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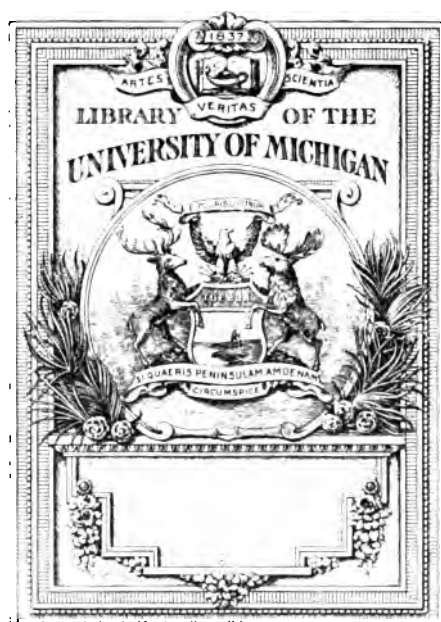
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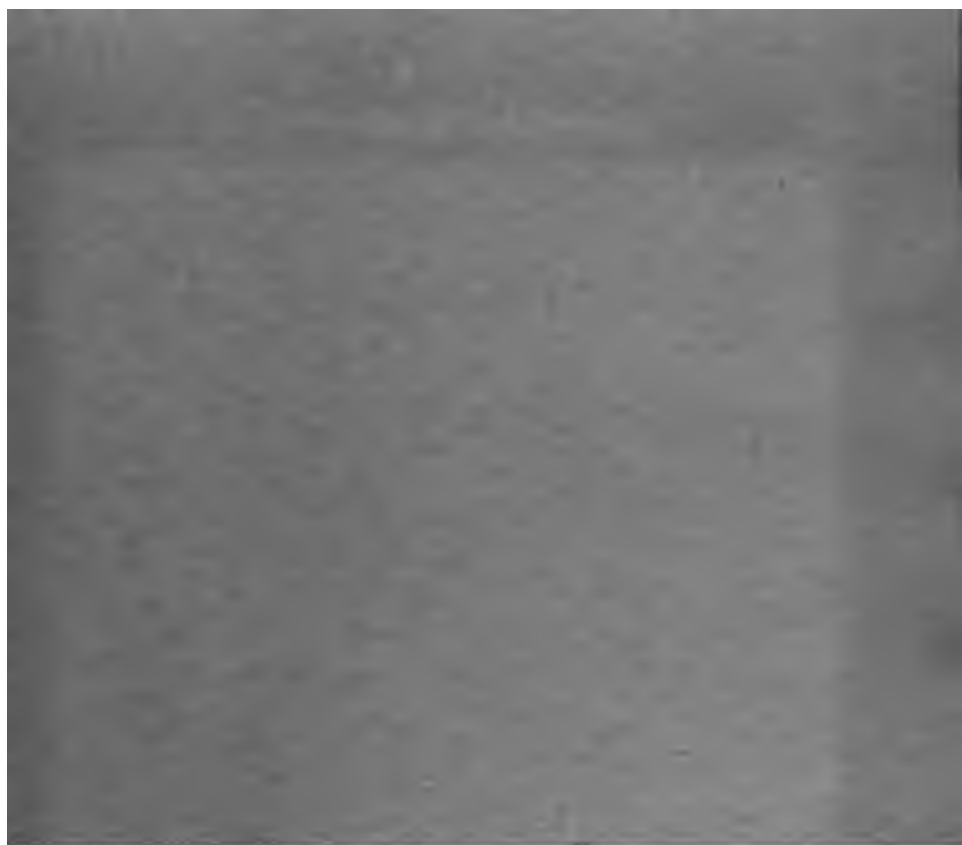
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THE
SPEECHES
OF
THE LATE RIGHT HONOURABLE
SIR ROBERT PEEL, BART.
DELIVERED IN
THE HOUSE OF COMMONS.



WITH A GENERAL EXPLANATORY INDEX,
AND A
BRIEF CHRONOLOGICAL SUMMARY OF THE VARIOUS SUBJECTS ON WHICH
THE SPEECHES WERE DELIVERED.

IN FOUR VOLUMES.

VOLUME II.
FROM 1829 TO 1834.

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THE SPEECHES
OF
THE RIGHT HON.
SIR ROBERT PEEL, BART.

ECCLESIASTICAL CORPORATIONS.—INDEPENDENCE OF THE CHURCH.

APRIL 2, 1829.

MR. STANLEY moved, "That leave be given to bring in a Bill to amend the laws respecting the leasing power of Bishops and Ecclesiastical Corporations in Ireland."

Mr. Hume having intimated his intention to introduce certain amendments into the bill, with the view of reducing the incomes of the bishops in Ireland,—

MR. SECRETARY PEEL said, he saw no immediate objections to the motion of the hon. member; but he should receive it with great caution, if he conceived it aimed at the spoliation of the church. He could never consent to make the Church of Ireland stipendiary on the Crown. The property of the church ought to be made as secure to its possessors as the property of the aristocracy of Ireland. Respectability was secured to the proprietors of these lands in the same way as other proprietors of lands enjoyed respectability from their situation. This landed property made the clergy independent of the Crown. He had no objection to the introduction of the bill; but he entirely disclaimed a participation in the designs of the hon. member for Montrose. He was satisfied the proposition of the hon. mover did not involve any such designs as those mentioned by the hon. member for Montrose. He was sure it was the hon. mover's intention, while he endeavoured to confer a general benefit on the country, by improving agriculture, not to trench on the rights and privileges of the bishops. He hoped the bill would be discussed on its own merits, without reference to the menace of the hon. member for Montrose.

Leave was given to bring in the bill.

CHESHIRE POLICE BILL.

APRIL 13, 1829

Mr. Egerton having moved the order of the day for the second reading of the Cheshire Police Regulation Bill, **Mr. Leycester** objected to the measure, and moved that the bill be read a second time that day six months.

MR. SECRETARY PEEL denied that the bill was entitled to the appellation of a private bill. He found in the preamble that it was a bill for the better prevention of crime in the county of Cheshire; and he really thought that that circumstance afforded a sufficient reason for his now appearing in the House. As one of the Secretaries of State, he felt himself bound to take a part in the discussion, and to declare, that if the county of Chester were willing to bear the expense of this improvement, he saw no objection to the magistrates making the trial. The hon. member had asserted, that justice was well administered by the local magistracy; but when he looked to the increasing expenses attendant upon the conviction of criminals in the county of Chester, he could not believe that some reformation might not be effected. It had, indeed, been in his contemplation to apply a measure

somewhat resembling that contained in the bill to all the counties of England; and he had even wished the hon. member for the county to postpone the bill for some time with that object; but it was found, from the nature of the subject, and the number of concurrent jurisdictions, that the previous enquiries must necessarily be very extended, and would occupy a very considerable period. Feeling, therefore, that the present bill would be an improvement, and recollecting the number of applications which were constantly made at the Home Office for the assistance of the Bow-street officers, he willingly gave his support to an attempt to organise an efficient local police. He begged, however, to say, that although he did not acknowledge this to be quite a private bill, he should abstain from voting upon it, lest he should be supposed to interfere with local interests; although he strongly recommended the hon. member to permit the bill to pass through its present stage, in order that its provisions might be thoroughly examined in the committee.

The amendment was withdrawn, and the bill read a second time.

METROPOLITAN POLICE IMPROVEMENT BILL.

APRIL 15, 1829.

MR. SECRETARY PEEL rose. He said, he was desirous, now that the attention of the House and the public was no longer directed to a subject which had so long excited the warmest feeling and the most anxious solicitude of all classes of his Majesty's subjects, both Catholic and Protestant, of leading the House to the consideration of a topic of considerable interest as respected the preservation of the rights of property, as well as the protection of the persons of his Majesty's subjects. He was about to draw their attention to the state of the criminal jurisprudence of this country, and that of the existing police established for the prevention of crime as well as its detection. It would be in the recollection of the House, that committees of the House had been appointed to investigate this subject as early as the year 1770, and again in 1793. Committees also were appointed in 1812, 1818, 1822, and lastly in 1828. These different committees had been the result of alarm at some remarkable or unprecedented outrage at the time; or the effect, perhaps, of a general conviction, that crimes and offences against the peace of society were so much on the increase as to require an increased and corresponding vigour on the part of our police, with a view to protect the public, and prescribe more effectual remedies for its preservation. But, unfortunately, those committees, however their reports might be creditable to the labours and investigation of the individuals who composed them, produced no effect in improving the law materially; and the subject was lost sight of almost as soon as the cause of the recent alarm had subsided. No effectual measure, therefore, was recommended by the committees, or adopted at the suggestion of individuals in Parliament.

Whoever had read the reports of those committees, particularly those of later date, would find the state of our police to be most defective. It had been pretty clearly ascertained that it was altogether unsafe, and that it had been so for a long period, to commit the care of the lives and properties of the people of the metropolis and its vicinity to the charge of the parochial watch, during that part of the twenty-four hours which constituted the object of their very lax and inefficient protection. He might rest his case on the report of the police committee which lay on the table, and which clearly showed the necessity of some alteration in the existing means for the prevention and detection of crime; but he thought it would be more satisfactory to the House and the public, to state generally the grounds upon which he felt himself imperatively called upon to induce the House to abandon the present system of protecting property and guarding the safety of the person. If they compared the state of crime in the metropolis with that in other parts of the country, or in England and Wales at large, the result would be very unfavourable to the former. If, for example, they selected the last year, and calculated the proportion which the number of criminals in London and Middlesex bore to the population, they would find that not less than one person in every three hundred and eighty-three had been committed for some crime or other in 1828. If, in the same manner, they determined the ratio between the number of persons similarly committed within the

same period in England and Wales, the proportion would be found to be one criminal to every eight hundred and twenty-two of the entire population. The result of a comparison of both, as he had stated, would be very unfavourable to the metropolis. It might be said, perhaps, that a different ratio of increase of population in London and Middlesex and the country at large, would account for this difference in the amount of crime; but an examination would show, that the great increase of crime in the former could not be explained by the increased number of its inhabitants. Neither, he was sorry also to say, would the result be favourable to the metropolis, if they compared its present amount of crime with that of any other period, or compared either with that of other parts of the country. In 1821, the number of persons committed in London and Middlesex amounted to 2480, the population being 1,167,000. In 1828, he regretted to say, the committals for crime amounted to 3560. There was no official return of the amount of increase of population in 1828; but assuming it was in a corresponding ratio to that of other periods, the number of inhabitants in London and Middlesex would be 1,349,000 in that year. The result, therefore, of a comparison between the rate of increase of population and the rate of increase of crime in the metropolis, showed that the former was not in proportion to, and could not account for, the great increase of the latter; for there was an increase of forty-one per cent. in the number of committals in 1828 over that of 1821; while there was an increase of population of only fifteen and a half per cent. Increase of population, then, did not explain the great increase of crime in London and Middlesex. Neither did the rate of increase of the number of commitments in England and Wales correspond with that of the inhabitants; for a comparison of both in the years 1821 and 1828 showed that crime had increased twenty-six per cent., while population had increased but eleven and a half per cent.

Although it did not belong properly to his present subject, he thought that, as he had alluded to the state of crime in the country at large, he might, with satisfaction to the House, state, that though the number of committals had increased to so great a degree of late years in London and Middlesex, crime had very sensibly diminished in many parts of the country. The increase of committals in forty-four counties of England and Wales, in 1827, as compared with the preceding year, amounted altogether to 1914; the decrease in six counties, including the city of Bristol, amounted to 167: leaving a nett increase of 1657 committals for crime in the year 1827. But if they proceeded further, and compared the year 1828 with 1827, they would find a decrease of committals in thirty-five counties, of 1656; and an increase in fourteen counties, including Bristol, of 299; leaving a nett decrease of committals for crime, during the last year, in England and Wales, of 1357. This statement, he thought, was some consolation for the unfavourable comparison which the metropolis afforded—the rather, as the diminution of committals generally throughout the country, during the last year, was not at all owing to any laxity of duty on the part of the country police, but to an actual diminution of the amount of crime. This diminution would appear more striking on a comparison of the total number of committals in the last and preceding year. In the year 1827, the total number of persons committed for crime in England and Wales was 17,921; in the year 1828, the number of committals amounted to but 16,566. In some counties the decrease was very remarkable. In Lancashire, for instance, there were but 448 commitments last year, while there were not less than 2457 in 1827. In Somersetshire, the number of committals was 151 less last year than in the preceding. The decrease in Yorkshire was 129; and so on in other places, until they came to what he was sorry to call the unfavourable exception of London and Middlesex; in which there was an increase of 135 committals in 1828, over those of 1827. It was not, he regretted to say, only in one year that London and Middlesex afforded a proof of the increase of crime, much greater than any possible increase of population could account for. If they took any series of years, say seven, on which the police committee had reported, they would find that crime had not only increased in the metropolis more than in the other parts of the country, but had far outstepped the rate of increase of its inhabitants. If they, for example, compared the increase of crime in the seven years beginning with 1811, with the seven years ending with 1828, and then compared both with the increase of population, they would find that crime had increased 55 per cent., while the population had increased but 19 per cent., leaving an excess of crime over population of 36 per cent., to be accounted for by other means or causes.

It was no easy matter to determine what those other means or causes were, which had occasioned this frightful difference between the increase of crime and the increase of population, of not less than 36 per cent. in a series of years. Many intelligent gentlemen, who took an interest in the subject, had endeavoured to investigate and determine those causes; but he must still say—and he spoke in the presence of many hon. members who had taken an active part in the police committee—without having arrived at any satisfactory conclusion as to the real nature of those causes. He feared that one of those causes was the increased mechanical ingenuity of the age; by which the perpetration of crime was aided, and the means of detection lessened. What he meant was, that the mechanical improvements which so much distinguished the country, and which were a great source of its prosperity, so aided the perpetrators of crime, by enabling them to travel a great distance in a few hours, and to use great caution in the selection of time and manner, that the means of detection were very much lessened. All causes, therefore, of the increased comforts of the people of the country became thus sources of crime; not less from the increased temptation which they necessarily created, than from the increased facilities which they afforded of perpetration and evasion.

✱ Another influential cause was, the very unsatisfactory state of that branch of our police which was chiefly controlled by the parochial authorities. He was satisfied, that so long as the present night-watch system was persisted in, there would be no efficient police prevention of crime, nor any satisfactory protection for property or the person. This was the conclusion which the police committee had come to, and which the evidence of persons most interested in the subject made manifest. In fact, it was the conclusion which every one who enquired into our present watch-house system must arrive at. The chief requisites of an efficient police were unity of design and responsibility of its agents—both of which were not only not insured by the present parochial watch-house system, but were actually prevented by it. The House was aware, that each parish had its own watch-house establishment, its own watchmen, its own discipline, and its own responsibility; that it was left to the parochial authorities alone, to devise and enforce and control the means of protecting the property and persons of its inhabitants. By this arrangement each parish was perfectly isolated, so far as prevention of crime was concerned, from every other; there could be, therefore, no general unity of design—no general responsibility. But this was not all; each parish had its own districts, every one of which might be perfectly independent of the rest as to its police; so that the responsibility was still further subdivided, or rather destroyed. Could there, then, be any unity of design under such a system? Certainly not; nor responsibility, until all the parochial police was concentrated under one responsible and efficient head.

He did not, when he made this declaration, mean to deny that some of the parishes in the metropolis had applied themselves meritoriously and successfully to protect the property and persons of their inhabitants, by establishing an efficient parochial police; but he contended, that until this efficiency was made general, nothing but a local benefit could follow from their efforts. What advantage, in a general point of view, could be derived from one well-regulated district, surrounded by five or six neighbouring parishes in which no attempts had been made to remedy the present inefficient watch-house system? Would not the necessary effect be, to drive the thieves and robbers from the protected parish into those parishes on its skirts in which the authorities were indifferent about providing sufficient security for the property, &c., contained in it? Would not, consequently, the one well-regulated district aggravate the evils of its neighbours? This was actually the case with the parishes of Hackney, St. James's, and Marylebone, in which, owing to the voluntary and unpaid exertions of some of the inhabitants, an efficient watch-police establishment was kept up. But though these exertions were eminently successful at present, he need not say, that, being dependent wholly on the disposition of individuals, who had, as he had stated, voluntarily, and without remuneration, undertaken them, there could be no adequate security for their continuance, far less for their extension, but in the appointment of responsible official agents. Besides, he repeated, supposing their continuance could be insured under the present system, they must prove abortive against the effects of a bad neighbourhood until unity of design should be established.

The necessity for that union was strikingly shown by the present police arrangements of some of the parishes adjoining the well-regulated ones he had mentioned.

very
police

watch
house

In the parish of St. Pancras, for example, in which there was a large watch-house establishment kept up, according to returns which he had thought it right to call for, there were not less than eighteen different watch-trusts—that is, eighteen different, isolated, irresponsible police establishments, rendering a unity of design among the eighteen local authorities of that large parish an actual impossibility. In that parish, then, there were eighteen watch-trusts; but if they enquired into the arrangements of other parishes, they would find, not too many watch-trusts, but actually no night-watch at all. This was the case in the parish of Lambeth, in which there was no provision for a night-watch, and in which there was a different species of police altogether, but no watch-trust. Upon this point there was much interesting, and—if he could say so in a case involving so serious a subject as increase of crime—much amusing information in the evidence annexed to the report of the police committee. To that evidence he begged leave to direct the attention of the House, particularly of such hon. members as might be disposed to view his intended bill with a jealous eye.

For the satisfaction of those hon. members, he thought it necessary to state that he had higher opinions in favour of his present object than parochial authorities. Those most competent to judge, and most interested in the subject in the city and elsewhere, had expressed their decided and unanimous opinion, that some material improvements were imperatively necessary in our present arrangements for the protection of property. Those also who were practically acquainted with the workings and defects of the present parochial police system, had expressed the same opinion, either directly or by implication, in their evidence before the police committee. Mr. Julian, the clerk to the magistrates of the Kensington district, had furnished on this point very important information. It appeared from the evidence, that that district was dreadfully exposed to the depredations of thieves and housebreakers.

That it should be so, he thought Mr. Julian's evidence of the number and character of the—he supposed he must call it—parochial police, showed was not very surprising. That witness stated that the wealthy and populous district of Kensington—not less than fifteen miles in extent—was dependent on the protection of three constables and three head-boroughs, some of whom, after they were a time in office, became not very remarkable for their abstinence from intoxicating liquors, and who, from the nature of their appointment by the steward of the manor, were, to all intents and purposes, beyond the control of the magistrates, and who, from having no fees but those the law allowed them, in the end did no duty at all, except indeed that of making out very long bills. Surely it was not surprising, when the great extent of the Kensington district, and its great wealth were considered, that three drunken headles should be no preventive of housebreaking and thievery in it. Indeed, as had been said of the Court of Chancery, three angels, under such circumstances would be a sorry protection, [a laugh.] He repeated—it could not be considered surprising that burglaries were frequent in the Kensington district, with such a police. What said another clerk of the magistrates in his evidence? Why, that in the parish of Tottenham alone, in six weeks, not less than nineteen attempts at burglary had been perpetrated, and out of these nineteen attempts, but three failed, the remaining sixteen being entirely successful. And this was but one parish out of eight in the district.

It was, he felt, unnecessary for him to say, with such facts staring them in the face, that it was the bounden duty of the legislature to interfere, not only to prevent such a daring outrage against the laws, but to provide more secure means of protecting the person and the property of the subject. Again, if they examined the evidence respecting Spitalfields, they would see additional, and, if possible, stronger proof of the necessity of some legislative measure. It was true, that the present state of that district presented a very favourable contrast to its recent one, when gangs of thieves stood at the corners of the streets, robbing, in the middle of the day, all persons who came within their reach, in open defiance and contempt of the laws; but the evidence was still highly important. It showed the imperfect security afforded by the present system of parochial police, and the striking advantages of the exertions that had been made, chiefly through the praiseworthy zeal of one inhabitant, Mr. Gregory, to improve the local police. The individual to whom he had alluded, stated in his evidence that he was then the superintendent of the watch in his district—that the number of watchmen was, as before, twenty-one; but that they were now much more efficient, being better looked after than in the time of the

late treasurer, a very old gentleman, who was wholly blind, and never gave himself any trouble about their conduct or appointment.

It was much to be wished, that the conduct pursued in this parish should be imitated by others. But it unfortunately was not. He had returns from parishes in the vicinity of the metropolis, showing that in those parishes there was no species of nightly watch at all; and that the only protection the inhabitants had for their lives and property was their own individual vigilance, and the honesty of the thieves in their neighbourhood. This was the case in the parish of Fulham, containing fifteen thousand inhabitants; and in Chiswick, Ealing, Old Brentford, Acton, St. Mary Stratford Bow, Edgware, Barnet, Putney, Wandsworth, and two other parishes. In those populous and wealthy parishes there was no parochial police—no protection for life or property—but the voluntary exertions of individuals, at whose expense others who had not contributed any thing were benefited. There was no parish not actually forming a part of the metropolis, but in its near vicinity, which furnished stronger evidence of the necessity of an efficient police, and of the consequences to neighbouring parishes of one containing no parochial police, than Deptford. This parish contained upwards of twenty thousand inhabitants, was situated as a ready asylum to those banished from Westminster and the adjoining district for their offences, and positively did not contain a single watchman or night-police authority to prevent crimes and apprehend offenders. It was not surprising, such being the fact, that that parish was the scene of frequent depredations, as in a recent instance of a most atrocious and sanguinary outrage. Within the last few years the indignation at those outrages had led to the formation of a voluntary night-patrol by the parishioners; but as the apprehension for the security of life and property had abated, this temporary protection disappeared with the excitement which gave it birth. The right hon. gentleman proceeded to read a letter from the parochial authority of St. Nicholas, Deptford, in which the writer stated, that though no place required a parochial police more than the parishes of St. Nicholas and St. Paul, Deptford, there was no public watch, no watching or lighting tax, and no protection during night for life and property, but that afforded by two persons, to whom some of the inhabitants paid a sum totally inadequate to support existence and insure vigilance.

Such a state of things must continue so long as that, or any other parish, was dependent on the voluntary exertions of individuals for the means of protection, and was not called upon, by Act of parliament, to maintain an efficient police. This compulsion, in cases where it was necessary, was his present object. This measure contained a variety of details, which he would not then state to the House: indeed, they were of a nature much more fitted for the notice of a Select Committee. He therefore proposed, in carrying into effect the recommendations of the committee of last year, to have that committee reappointed. He would then merely state, that he proposed, as had been suggested by the committee, to unite under one head all parochial police authorities, including, of course, nightly watchmen. These would be under the control of a Board of Police, whose duty it would be to superintend and be responsible for, all the agents required by the police. He would abandon the term "watchman"—indeed it was one that was not in great repute—and consider and speak of their substitutes as a species of night patrol. The bill would appoint three magistrates to the direction of this board. He proposed, that all watch taxes should in future be abolished, and a general police-tax be substituted in their stead. Of course, all parochial distinctions would be done away with. The advantages of this would appear sufficiently evident to those who considered the defects of the present system. It was not unusual now for one side of a street to be in one parish, and the other side in another parish; and, as a consequence—the power of watchmen and constables being confined to their own parish—a watchman standing on one side of the street could not interfere with, and would be a passive spectator of, a depredation performing on the other, so that that depredation was actually short of felony. He had no power of stirring, on grounds of suspicion even of felony, out of his own parish, and could not prevent the actual perpetration of minor crimes, unless in his own district.

One effect of the measure he intended to propose would be, to do away with this and other mischievous consequences of the present parochial distinctions. He did not intend to proceed at first on too extensive a scale, but would endeavour in this, as on other occasions, to effect a gradual reformation, with that cautious feeling of his way, and deriving aid from experience, essential to the ultimate success of all

reforms. He would not abolish at once all the parochial police establishments, but would apply his proposed bill to a few districts in the vicinity of the metropolis at first, and then gradually extend it to the others, as its advantages unfolded themselves. In those districts in which the necessity for a change in the present system was most apparent, he would commence with intending that local taxation should defray the expense of the local application of the measure. Supposing, for example, he should begin with ten parishes, those he would make liable to a local police-tax—the local watch-tax ceasing when the measure should be applied. In time the board would be empowered to unite other parishes in the neighbourhood to their jurisdiction; and thus gradually they would make the measure general. With respect to the tax which he proposed to levy, he was confident that it would be much less than the present watch-rates; while, as he need not say, it would ensure a far more efficient police.

The subject had many details, which, though of local importance, would, he conceived, be annoying to the majority of the House, and would be discussed with more advantage in a Select Committee. He therefore would propose the reappointment of the Police Committee of last year. To it he would refer the bill he was about to move for; which was ready drawn up, and had been prepared with great care and ability by gentlemen recommended to him by their talents and fitness for the task. Still, however, as it was a new measure, he would refer it to the reappointed committee, there to receive the necessary minute investigation.

He could not help saying a word or two as to the good effects of a police-patrol like to that which he was about to establish. In 1805, when highway-robberies were so frequent in a particular district adjoining the metropolis, that the watch and police of the district were found to be not sufficient for its protection, there was established the horse-patrol, which was found so efficient in preventing crime and apprehending offenders. It could not be any peculiar change of circumstances since that time that could account for the cessation of robberies in that district; the cause could alone be found in the efficiency of the horse-patrol. The present horse-patrol consisted of fifty-four men. The selection of the patrol was made, in the first instance, with reference to the age of the man, in order that there might be a certainty of having officers capable of enduring the fatigue and discharging the duties which the situation imposed upon them. The selection was also conducted with reference to the previous character of the men. Above all, their promotion was made to depend upon their good conduct; and they were always under the surveillance and control of one establishment. It was upon such principles that he would propose to establish the patrol contemplated by this bill.

Now, with respect to the watchmen. In some instances it had appeared, that the watchmen in some places only received for their regular pay 2d. an hour: in other instances it had been found, that persons who were burthens upon the poor-rates were chosen to fill the situation of watchmen; and, as he had said before, in many parishes, in the neighbourhood of the metropolis, the inhabitants were obliged to come forward themselves, and by their own voluntary contributions support a night-watch for the protection of their families.—He imagined that no objection would be taken to this measure on the score that it went to confer an unconstitutional power upon the board which he proposed to establish. The fact was, the magistrates constituting this board would not possess more than the powers which usually belonged to the office of police magistrate; and even if their power, in some degree, went beyond that extent, the House, he was confident, would perceive that it would be better to have under such a system, a thousand efficient than to have two thousand less efficient constables, under a laxer system. He was therefore satisfied that no objection would be taken to the measure, in so far as it went to invest the board of magistrates to be constituted by this bill with efficient means of exercising the powers which belonged to them.

In one respect, perhaps, objections would be taken to this measure, on the ground of its exciting jealousy on the part of the existing parochial authorities, in consequence of its transferring the patronage which at present vested in their hands, to this department, acting under the control of the Secretary of State. For his part, he could not conceive what valid objection could be urged against the power which would be derived from this patronage to government, more than to that which resulted from the selection of persons for the army and navy. Certain he was, that from the class of persons who would be chosen under such a system, for any jealousy which might

be entertained by parochial authorities in reference to the loss of this petty patronage, there would be found an ample compensation in the increased protection which would be afforded against offenders, and in the increased security given to the inhabitants for the preservation of the peace and tranquillity of their respective neighbourhoods. But the subject must be considered and determined upon higher and more extended principles, than in reference to these petty parochial jealousies. When they looked at the relative proportion which the criminals bore to the population in this metropolis—when they saw that one out of every three hundred and fifty-three of that population was committed to prison, charged with some criminal offence, it was their duty, under such circumstances, to legislate upon principles of a higher and more extended nature, and to adopt effectual means to put a stop to such a frightful increase of crime.

But, it might be said, that this measure would go to impose additional burdens upon the inhabitants of the various parishes. It was true, that a certain degree of expense would be required to carry it fully into effect; but he was sure that any additional burden imposed in that way would be fully compensated for, by the additional protection and security which it would afford. Besides, one certain effect of the measure would be to diminish the number of prosecutions in Middlesex and London; and thus, while the inhabitants would be relieved from the watch-tax, they would also be relieved from other parochial rates, which had been materially increased by the expense and number of those prosecutions.—But, he would rest the defence of this measure upon a much higher consideration—upon its effects in checking the increase of crime. He saw no mode by which they could hope ultimately to mitigate the severity of their criminal code, but the adoption of some such measure as this for preventing the increase of crime. It would be vain for them to attempt to mitigate the penalties which attached to crime already, unless they took measures to prevent the commission of crime itself. If, as it appeared from the documents upon the table, the number of criminals in the year 1821 amounted to two thousand five hundred—if they had increased in 1828 to three thousand five hundred—and if they were going on at such a rapidly increasing ratio, it would be obviously impossible, unless some check were put to their increase, to effect any material mitigation in the penalties which, under the existing laws, attached to the commission of crime.

He was not one who considered that this increase of criminals had been mainly occasioned by the increase of distress amongst the population. He believed that these criminals were, in almost all instances, trained and hardened profligates,—that they had been incited to the commission of crime, by the temptations which the present lax system of police held out to them; and he was sure it was possible effectually to check them, by the vigorous exercise of the powers supplied by the common law of the land.—He had already referred the House to an instance, in which nineteen acts of burglary had been committed in the parish of Tottenham, within an exceedingly short space of time; and he might now state, that these burglarious attempts had been committed by notorious thieves, who made burglary a profession. When, therefore, they talked so much of the liberty of the subject possessed by the people of this country, he was afraid that they gave credit to some parts of the population for the enjoyment of much more liberty than they actually possessed. He believed that a large portion of the inhabitants resident in the neighbourhood of Twickenham and Brentford were under constant apprehensions that their lives and properties would be attacked; and such fears were entirely inconsistent with the free enjoyment of liberty and peace. It was the duty of the legislature to afford them protection against the causes which gave rise to such apprehensions,—it was the duty of parliament to afford to the inhabitants of the metropolis and its vicinity, the full and complete protection of the law, and to take prompt and decisive measures to check the increase of crime, which was now proceeding at a frightfully rapid pace; and it was upon such grounds, with such objects, and for the purpose of providing a more efficient police for the metropolis, that he now begged to move for “leave to bring in a bill for the Improvement of the Police of the Metropolis.”

In reply to some observations from Mr. Bernal,—Mr. Peel said, that the hon. member was mistaken in supposing that the board which he proposed to establish would only embrace the regulation and management of the night patrol. That department would be responsible for the state of the metropolis both by night and day. Much benefit had resulted from the day patrol, even as it was at present con-

stituted. To what did the day patrol at present amount? Only three inspectors and twenty-four men. When benefit resulted from such a small patrol, it was fair to suppose that great good would be effected by the establishment of a vigilant and numerous patrol, under the superintendence of the new board of magistrates, and capable of giving efficient protection to the passengers, against the depredations of pickpockets in the leading streets and thoroughfares of the metropolis. The hon. member had spoken of the defects which existed in the present system of the day patrol; but the hon. member would, no doubt, concur with him in thinking, that if that patrol so constituted had been productive of any benefit, it only demonstrated the advantage of having an efficient, vigilant, and well regulated patrol, both by night and day, controlled by one authority, and acting under one head. Unless it were established on such a plan, it would be quite impossible to effect the objects in view; for when the thieves should be driven from one part of the town, they would have only to transfer themselves to another. It was therefore absolutely necessary that there should be but one head presiding over and directing the operations of this new police. With a police established upon such a system, he was confident they would be able to dispense with the necessity of a military force in London, for the preservation of the tranquillity of the metropolis.

Mr. Peel, in reply to Mr. Hume, said, that under the act which he intended to introduce, a certain day would be appointed when the parochial establishments in each parish would be abolished, and the whole management of the police of that parish transferred to the board appointed under this act. It was desirable, however, that so great a change should not be made too suddenly. He did not propose that all at once the parochial police establishment should cease, and that this new police department should at once be obliged to take charge of the whole police of the metropolis. He would first propose to entrust to them the charge of the police in a certain number of parishes; and he would extend their authority gradually to other parishes, until the charge of the entire establishment devolved upon them. By that means, the new police department would become gradually exercised in the management and control of the police, and in the course of time they would be competent to take charge of the entire police of the metropolis. In every instance a day would be fixed when the charge of the police in a particular parish would devolve on this department: the existing parochial authorities would then entirely cease; the rates paid for the maintenance of watchmen would also cease, and instead of the watch-rate a new police-rate would be imposed. He was not, however, for giving to this new department a too widely extended authority all at once. To give to them suddenly the charge and management of fifteen hundred men would be too much. He would have them, in the first instance, to take charge of the police in the city of Westminster; then he would propose to extend their jurisdiction gradually to Kensington, Hammersmith, and other places in the neighbourhood; and in that manner he would gradually extend it over the various districts where its authority was intended to reach.

The bill was brought in and read a first time.

REGULATION OF PARISH VESTRIES.

APRIL 28, 1829.

At the close of a speech of considerable length, Mr. Hobhouse moved, "That a Select Committee be appointed to enquire into the general operation and effect of the laws and usages under which Select and other Vestries are constituted in England and Wales."

MR. SECRETARY PEEL said, he was not prepared to offer any opposition to the motion of the hon. member for a Committee of Enquiry; but at the same time, he begged to be distinctly understood by no means to acquiesce in the charges which the hon. member had, in his opinion, too widely made against select vestries, and much less to concur in the views of the hon. member respecting the abolition of select vestries in London and its vicinity. There were, doubtless, instances of improper conduct in parochial expenditure; but it did not follow, that such instances were to be found in all select vestries. If the committee could find out any plan for auditing parochial accounts, and for checking abuses in the expenditure of parochial

funds, he should be the last person to object to such a plan. No doubt there ought to be a full audit of parochial accounts, and that all abuses in the expenditure of parish funds ought to be checked as far as possible. He could not, however, agree with the hon. member, that, at least in London, a popular election would effect these objects. If persons of respectability and wealth and intelligence were driven from the management of parochial affairs, and such persons substituted as it was likely would be substituted, if every man who paid parochial rates had a vote, the evils complained of would be increased and not diminished. As to the committee over which his right hon. friend (Mr. S. Bourne) presided with so much ability, it was discovered by that committee, that an open vestry was so large and cumbrous a body, that it was incapable of transacting parish business; that every body having a voice, there was no time for deliberation. The committee, therefore, decided in favour of select vestries; and recommended that annual overseers might be dispensed with, and that parochial officers might, if it were thought proper, continue in office more than a year. So far as the hon. member's motion contemplated the establishment of checks upon local expenditure, he acquiesced in it; but he wished to guard himself against the inference of concurrence in all the views of the hon. member, and more particularly against the idea, that he acquiesced in the argument that the principle of the select-vestry system should be departed from, and that that of universal suffrage should be substituted for it. Undoubtedly some improvement might possibly take place by the adoption of the recommendation of the hon. member; but he believed that the present system furnished a more effectual check upon the abuse of local expenditure, by committing its control to men of character and affluence, than to such persons as would stand a contest at general parochial elections.

The motion was agreed to, and a committee appointed.

. LAW COMMISSION.

MAY 4, 1829.

After some observations from Mr. Brougham, Colonel Wood, and Sir J. Mackintosh, on the subject of the Law commission,—

Mr. SECRETARY PEEL said, he had heard with much satisfaction the testimony borne in favour of the report of the commissioners. That commission arose out of a motion made by the hon. and learned member, who had stated at the time that he cared less for the form of the commission than for the selection of the members. He (Mr. Peel) had declared, that he would make the selection on a principle which would secure a satisfactory result to their labours. He believed that the general voice of the profession concurred with that of the hon. and learned member in approving the manner in which the commissioners had conducted their enquiries, and the discreet, safe, and temperate reforms which they had recommended. With respect to the law of arrest, it was probable that the commissioners had taken a correct view of their powers in abstaining from entering on its consideration. They conceived that the object of their appointment was to enquire into the practice and proceedings of courts of law. He had no hesitation in saying that he was convinced, by almost daily experience, of the necessity of instituting an enquiry as to the law of arrest, with a view to the reform of the whole subject. At present, the power of arrest was vested in some local jurisdictions, which, perhaps, were not worthy to be trusted with such an important power. He alluded to the manorial courts, the hundreds' courts, and other jurisdictions. The hon. member for Montrose had more than once urged the appointment of a committee of that House, to take the subject into consideration. He did not think that the enquiry could be conducted so well by a committee of that House as by a commission constituted like the present. Whether or not it would be advisable to extend the powers of the commissioners, and direct them to enter into an enquiry respecting the law of arrest, would be a matter for consideration. He was anxious, however, that the attention of the commissioners should not be diverted from their present labours. If it should appear that the existing commission could not conveniently take the subject of the law of arrest into consideration, then it would be for the House to determine whether a separate commission should be appointed for that purpose. In answer to the question, Whether it were the intention of Government to bring in a bill, founded

on the report of the commissioners, he would state, without at all pledging himself on the subject, that it had not escaped his attention. He had communicated with the Lord Chancellor on the subject only yesterday, and their joint opinion was, that if a bill could be introduced this session which would embody the recommendations of the report, and which might receive consideration during the recess, it would be a great advantage; at the same time it was necessary that such a bill should be well matured before it was introduced, in order that no undue prejudice should be raised against it on account of defective enactments. He was happy to find that the hon. colonel concurred in the recommendation of the commissioners respecting the Welsh judicature. It was no reflection on the commissioners that there were local objections to their plan. He had not the slightest objection to extend their powers, and had only expressed his doubt as to the propriety of interrupting their present labours.

LABOURERS' WAGES BILL.

MAY 5, 1829.

In the debate on the second reading of this bill,—

MR. SECRETARY PEEL said, he fully concurred with the hon. mover, that the system of paying the wages of labour out of the poor-rates was highly objectionable; but, though admitting the proposition of the hon. member in the abstract, he doubted whether a system which had long existed, and which had been uniformly acted on for so many years, could safely be removed otherwise than gradually. No one could be more fully convinced than he was of the extent to which that species of payment was detrimental to the interests of the poor themselves, affecting as it did the market. There was, in fact, scarcely any thing that more tended to lower the condition of the labouring poor. There was one difficulty which stood in the way of the measure in its present form, namely, that state of the law which prevented what might be called the circulation of labour, that which confined labourers to the limits of their own parishes. The great objection which he had to the bill as it stood was, that it proposed to effect a change quite suddenly, and a change, too, of the highest importance, one that ought only to be brought about, if at all, with the utmost discrimination. He joined the hon. member as heartily as any one could do, in condemning the existing system; but it was a practice which had subsisted for forty or fifty years. If the case were ten times stronger than it was, the remedy proposed ought not to be adopted until after mature consideration, and a notice to the parties interested. It could not be otherwise than gradual; for there was a necessity in the present condition of the poor that would paralyse any act of Parliament. Were it allowed to proceed to its extreme limit, it would disturb all the relations of labour. If a man were suddenly and unexpectedly told, that he could no longer obtain any allowance for his wife and children, he would remember that the moment he deserted them they would be entitled to relief; and thus the greatest temptation would be held out to him to desert them and his work too. Various means could be resorted to for the purpose of evading the provisions of the bill. Notwithstanding the view which he could not help taking of the subject, he would agree to the bill being committed.

The bill was read a second time.

EAST RETFORD FRANCHISE

MAY 5, 1829.

Mr. G. Lamb presented a petition from the bailiffs, aldermen, and burgesses of the borough of East Retford, asserting their perfect innocence of the charge of corruption and bribery. In the conversation which ensued,—

MR. SECRETARY PEEL said, that no possible blame could attach to the hon. member for Blechingly for not having brought forward this subject before, as the hon. member had not been master of the circumstances which had caused the delay. The circumstances of this session had been peculiar, and would form no rule for the proceedings of another session. He should confine himself to the question which was practically, though not formally, before the House; namely, whether a new

writ should be issued for East Retford, with the view of proceeding with the investigation. He thought, that if the House intended now, or at any other time, to renew the investigation, with the view of extending the franchise to the hundred, or of conferring it upon a large town, there was a great objection to issuing a writ, and allowing the voters of the borough to exercise exclusively the privilege which that writ would confer. The House would recollect, that the petition against the election charged bribery, corruption, and treating. The treating was proved, and on that ground the election was set aside. The report of the committee, however, declared, that the borough was notoriously corrupt, and that it required the serious attention of the House. He thought, therefore, that great difficulty would arise if they allowed these constituents to return members during the remainder of the session. It had been said, that in the cases of Grampound and Penryn, the members were allowed to sit to the end of the session; but there was no similarity between those cases and the present; in the former, they found the members sitting, but in the latter the members were unseated, on the proof of treating. He confessed he did not feel the injustice of postponing the investigation, though he could have wished that it had been brought on earlier. The hon. member for Blechingly must judge for himself what course was most proper for him to pursue. If the hon. member persevered in his motion, he supposed that the hon. member for Hertfordshire would persevere in his; and, in that case, he should take the same course that he had taken last session, and vote for the extension of the franchise to the hundred. If the subject were postponed till the next session, he should then also be prepared to take the same course.

The petition having been received, and ordered to be printed, Mr. Tennyson moved, "That leave be given to bring in a bill to exclude the Borough of East Retford from electing Burgesses to serve in Parliament, and to enable the town of Birmingham to return two representatives in lieu thereof."

In the debate which followed,—

MR. SECRETARY PEEL said, that this case was so exactly the same as that which they had discussed last session, at such length and in such repeated details, that he could relieve the House from the fatigue of listening to him at any length upon this occasion. He must however say, that notwithstanding the surprise and regret of his right hon. friend who had last spoken, at the course which he was about to take, he could not see any cause for it, since he was merely supporting the resolution of the House of Commons of last year, under what appeared to him very similar circumstances. In return for this expression of astonishment, his right hon. friend must allow him to give way to some surprise at a few of the observations which had just fallen from him. He must be allowed to divest himself of all credit for that general horror for reform which his right hon. friend had imputed to him, as well as of some of the arguments in support of reform, with which he seemed disposed to invest him. Indeed, from certain expressions of his right hon. friend, it was obvious that the noble marquis opposite ought to depend upon his right hon. friend's vote, when he should bring forward his general motion on the state of the representation. His right hon. friend appeared to have been particularly struck with the quotation so often repeated—

— Simul alba nautis
Stella refuleit,
Defluit saxis agitatus humor;
Concidunt venti, fugiuntque nubes;
Et minax (quod sic voluere) ponto
Unda recumbit."

And he had applied that splendid passage, with which Mr. Burke had illustrated the passing of the Welch acts, where a new kind of representation was conferred upon general principles, to one where the change was to be expressly founded upon specific delinquency. So that, he repeated, his right hon. friend stood committed for the wider range of reform, at the moment when he thought he was merely enforcing the limited one. He had likewise called to his aid arguments deduced from what he termed the smothered volcano of Ireland; and had asked: "Do you believe that the settlement of the Catholic question will, without the aid of poor-laws, tranquillize that country?" "I am not," (continued Mr. Peel) "called upon now to say whether it will or will not. I see no direct connexion between the one and the other, and I cannot help thinking, that he seeks an unfair advantage, in

endeavouring to gain arguments against us, from the settlement of a question in which we cordially acted with him. My right hon. friend admits, that we settled it upon more satisfactory terms for all parties, than could have been done under any other circumstances."—His right hon. friend had next referred to the conduct of the present government, in relation to the repeal of the Test and Corporation Acts; but his right hon. friend seemed to have forgotten, that he had sailed in the same boat with him, and the rest of his right hon. friend's then colleagues. They had both equally opposed that repeal,—it might be on different grounds,—had both, in the first stages of that measure, given it their unequivocal opposition, and had both concurred, in the sequel, in effecting a satisfactory adjustment of it. The remarks, therefore, of his right hon. friend equally applied to his own conduct on that occasion. With respect to what his right hon. friend had said on the subject of parliamentary reform, he could only reply, that he had always, as much and as readily as his right hon. friend, acted upon the principle of disfranchisement, when a clear case of delinquency had been proved against any borough. He had dealt with Penryn, for example, on that principle, and had voted for the transfer of its franchise. To be sure, there were particular circumstances in the case of Penryn to warrant the vote that had been given respecting it by his right hon. friend and the other members of the government [hear, hear]. He did not understand the nature of the cheer: but he contended, that a large majority of that House had voted for the transfer of the franchise to Manchester, his right hon. friend nevertheless agreeing with his colleagues in the principle, that the transfer should be made to the adjoining hundred. He saw no ground of exception to that principle in favour of East Retford, and therefore could not adopt the course which his right hon. friend was at present pursuing. He begged leave to remind the House, that in every case, except Grampound, the principle of transfer to the adjoining hundred was recognised by the highest authorities in that or the other House of parliament—by Lord Chatham, for instance, in the case of Shoreham, which "he rejoiced," he said, "was transferred from India to England." Mr. Pitt also had contended, that it was an improvement in the elective franchise in those cases to transfer it to the adjacent hundred, without arguing the question—which stood on distinct and different grounds—whether it would be expedient or not to transfer it to a large unfranchised town.—Upon the whole, then, he saw no reason for departing from the course he had hitherto pursued respecting East Retford. It was true the House might go farther; but that was not the question before it. That question was founded upon the report of its committee; which declared that corrupt practices had been pursued in that borough at elections, calling for its interference as in similar preceding cases. It could not be urged against that interference that it was unfair, because it was made in the absence of the members of the borough, inasmuch as that absence was at once a consequence and a proof of its corrupt practices. The case of delinquency had been proved against it, therefore it must pay the penalty. With respect to the principle of voting for the transfer of the franchise of delinquent boroughs to the large unrepresented towns, he need not say he was not opposed to it, having, as he had stated, voted with his right hon. friend for the noble lord's (John Russell's) motion to transfer the Penryn franchise to Manchester. An hon. gentleman had mistaken what he had said on a former occasion respecting the alteration of the present numbers represented by counties. What he said was, that he did not think it expedient to make any deduction in the present numbers, but not that no alteration should be made in them. Nottingham, for example, the county in which East Retford stood, returned eight members; while Warwickshire, in which Birmingham stood, returned but six; but it did not therefore follow, that two should be taken from the former to be added to the latter, however desirable it might be to make such an addition. In conclusion, he repeated, that he saw no new ground for voting differently from what he had done last session with respect to the transfer of the East Retford franchise. He therefore should support the proposition of his hon. friend, the member for Hertfordshire, for transferring it to the adjoining hundred of Bassettlaw.

The House divided on the question; "That leave be given to bring in a Bill to exclude the Borough of East Retford from electing Burgesses to serve in parliament, and to enable the town of Birmingham to return two representatives in lieu thereof;" when the ayes were, 111; noes 197—majority against Mr. Tennyson's motion, 86.

Mr. N. Calvert then moved, "That leave be given to bring in a Bill to prevent

Bribery and Corruption in the Borough of East Retford." Upon which, Lord John Russell moved as an amendment, "That this House do now adjourn." The House divided: ayes 86; noes 180. Majority against the adjournment, 94. Mr. N. Calvert then moved, "That leave be given to bring in a Bill to prevent Bribery and Corruption in the Borough of East Retford."

Mr. Peel said he was not disposed to see the time of the House wasted fruitlessly, after the strong majority which had been already arrayed against the adjournment. If, therefore, the noble lord were resolved to divide the House by pressing his opposition to this fresh proposition respecting the borough of East Retford, it would be far better to submit to that postponement of the motion which he thought might very consistently with the usages of the House, have been dispensed with.

Mr. N. Calvert finally consented to postpone his motion, and the discussion of it was accordingly adjourned until Monday, the 11th of May.

SUPPLY OF WATER TO THE METROPOLIS.

MAY 7, 1829.

In a conversation on this subject,—

MR. SECRETARY PEEL said, that he looked upon this as a question of considerable importance to the metropolis; and he trusted, although it was not perhaps quite regular, that he might be allowed to say a word or two upon it. And, first, he must observe, that if any blame were to be imputed on the ground of supineness or delay, the hon. baronet who represented Westminster was the last man to whom that blame could attach, for he had been indefatigable in his exertions respecting it. After the report made by the committee of the House last year, Mr. Telford, the engineer, was applied to as to the probable expense of a survey, with a view to ascertain the best plan for supplying the metropolis with pure water. That gentleman, than whom no more competent authority could be applied to, was of opinion, that the survey would take from £3,000 to £5,000, but he could not be positive that the latter sum would cover the expense. Under these circumstances, ministers did not feel themselves justified in entering upon the measure. Besides, he must observe, that such an interference on the part of government would form a most dangerous precedent. If they interfered in procuring a supply of water, why not in procuring a supply of gas, or in lighting, watching, and paving the streets? Nay, more, if such interference took place with respect to the metropolis, what was to prevent Liverpool, Manchester, Edinburgh, and the other great towns, from making a similar application? Repeated complaints had been, and continued to be, made of the conduct of the water companies—that the water supplied by them was, in some instances, deficient in quantity and impure in quality, and that the price charged had increased with those deficiencies. The consequence would be that, unless the evil were remedied by the existing companies, new companies would rise up, who, by the encouragement they would receive, would teach the present companies that they had forgotten their own interests when they neglected or violated the principle of their contract with the public. He still thought that the companies who were in the enjoyment of this monopoly, were bound to remedy the evil complained of. He thought it would be wise in those companies to bear the expense of the survey. If they would, government would see that it was executed; and there was no doubt that either higher up in the Thames, or from the Colne, a plentiful supply of pure water could be obtained. He had great hopes that the evil would be very soon remedied, either in this or in some other way.

EAST RETFORD.

MAY 7, 1829.

Mr. H. Fane moved "That Mr. Speaker do issue his warrant to the Clerk of the Crown, to make out a new writ for the electing of two Burgesses to serve in this present parliament for the Borough of East Retford, in the room of the hon. Sir

Robert Lawrence Dundas and William Battie Wrightson, Esq., whose election has been declared to be void."

Mr. Hudson Gurney seconded the motion.

Mr. Tennyson opposed the motion, and moved, as an amendment, "That Mr. Speaker do not issue his warrant to the Clerk of the Crown to make out a new writ for the electing of two burgesses to serve in the present parliament for the Borough of East Retford, until this day three weeks."

Mr. Peel suggested, that it would be better to withdraw the motion for the present; or allow the previous question to be put, which would render the amendment unnecessary. In either case the subject could be renewed at any time that hon. members thought proper. He owned he could not support the motion for issuing the writ. After the evidence they had had, it would be inconsistent with the resolution to which they had already come; and it would be a bad precedent for other boroughs, if they passed such conduct by without taking some proceeding respecting it.

The motion was then withdrawn.

POOR LAWS IN IRELAND.

MAY 7, 1829.

Mr. Villiers Stuart moved, "That this House is of opinion that it will be expedient to take into early consideration, in the next session of parliament, the condition of the Poor of Ireland, with a view to consider the propriety of introducing a system of Poor Laws into Ireland, subject to such modifications as parliament may deem applicable to the peculiar circumstances of that country."

Lord F. L. Gower moved the previous question.

In the course of a long debate, General Gascoyne proposed, that the further debate upon the question should be adjourned to Tuesday.

MR. SECRETARY PEEL rose amidst cries of "adjourn." He said, that the question of adjournment must depend entirely upon the number of members who felt inclined to speak upon the question. The motion of the previous question, moved by his noble friend, proved nothing; and for himself, he had no objection to the general principle of the measure. He was far from undervaluing it: on the contrary, he felt that if negatived at present, it must undergo a full discussion in the course of the next session. If, however, many hon. members did not feel inclined to address the House upon it, he saw no reason why it might not be disposed of that night.

General Gascoyne expressed his determination to support the motion, in the event of its going to a division.

Mr. Peel said that in voting for the previous question, he wished not to be understood as expressing any decided irrevocable opinion as to the principle or the merits of the proposition which had been advocated by the hon. member for Waterford. He should vote for the previous question, as he much doubted the policy of the House of Commons pledging itself in one session of parliament, to pursue any specific course in the next. It would always be open to parliament to adopt the course proposed by the hon. member, without giving any distinct pledge on the subject. There might be circumstances under which it would be right to give such a pledge, in order to allay a ferment, or to subdue the excitement of the moment; but there should exist good and sufficient ground for it before it was done. Here, however, the case was different. Whenever the House pledged itself to consider the propriety of extending the Poor-laws to Ireland, it should at once enter upon that enquiry; in order to allay the ferment and agitation which would naturally take place upon the occasion. He denied that he had, during the last session, expressed an opinion favourable to the introduction of the Poor-laws into Ireland: on the contrary, he had then said that he saw great difficulty in the way of introducing them. It was impossible that he could express himself favourable to the introduction of the system, as it existed here, when he did not know what machinery there existed in Ireland for carrying the English Poor-laws into operation there. He was certain that if they introduced the system as it at present existed in England into Ireland, if they established there overseers, parochial vestries, and select vestries, that all this machinery would be converted into a system of local jobbing. The incursions of Irish paupers into England was undoubtedly a great inconvenience and hardship upon the people of this country,

and its direct tendency was to reduce the labourers of this country wherever such incursions took place, as in the west of England, to a level with the paupers from Ireland. While the Irish pauper could come over here for 1s. or 1s. 6d., those incursions would continue; and there was more expense incurred, he believed, in sending one of these Irish labourers back to his own country, than would be incurred if he were allowed to remain in a parish a sufficient time to establish a settlement. But, how could they refuse relief to those Irish labourers in England, when they would not refuse relief to foreigners? The Irish pauper here was entitled to casual support as long as he remained; and therefore, to avoid that expense, the parochial authorities transferred him to Ireland, and incurred a still greater expense in doing so. How could they refuse relief to the Irish pauper, when they gave it to foreigners who might be casually cast on our shores? Very recently a case had occurred, where a number of persons from the north of Germany, who were emigrating to South America, thought it convenient to cast themselves upon our shores, and they were a great burthen to the parishes in the district where they were cast. He would not pledge himself to introduce the principle of the English system of Poor-laws into Ireland, without having first given the subject the most deliberate consideration, as to its effect on the state of pauperism in this country, and as to its probable result, in giving poor but able-bodied men in that country the right to demand assistance. He assured the House, that so far from having expressed any decided opinion on the question last session he had done all he could to show the enormous difficulties in the way of carrying it into effect. He still entertained that opinion, and did not know what machinery would be necessary for such a purpose. By rejecting the motion, the House would express no opinion on the merits of that most difficult question. All he could say was, that he should be willing to act on the suggestion of the hon. member for Armagh, and to give to the condition of the poor of Ireland his full and deliberate consideration; but he could not pledge himself to introduce any measure on the subject.

Mr. Peel further said, he hoped it would be understood that he had given no pledge whatever as to the intention of government to introduce any measure upon this subject. He admitted that the condition of the poor of Ireland required serious consideration, but he had not pledged government to the recognition of any particular system for their relief.

The motion was at length withdrawn.

RECOVERY OF SMALL DEBTS.

MAY 8, 1829.

In answer to a question from Lord Althorp,—

MR. SECRETARY PEEL said, it was with very great reluctance that he had postponed the bill for the Recovery of Small Debts last session. The reason he did so was, because there were a considerable number of patent offices that would be affected by the bill; and it was necessary to grant compensation to those who held such offices. It was easy, he knew, to grant compensation; but this might make an alteration in the practice, and occasion greater emoluments to be received by persons holding other patent offices, by which the public would not be benefited. The commissioners for enquiring into the practice of courts of justice had made a number of enquiries on this subject, with respect to the effect which his bill would have on certain offices; and it was found that the provisions of his bill and the objects of the commissioners were very nearly connected. He thought that the only proper mode of proceeding would be, to grant compensations for all at one time, in order to prevent the evil which had arisen in Ireland from granting partial compensations. At the close of last session, he had called the attention of the commissioners to this subject, and they had succeeded in making many valuable enquiries. He therefore thought that until the whole question were introduced, it would be unwise to bring in this bill. He agreed with the noble lord, that some mode for the easy recovery of Small Debts ought to be provided; and as soon as the question of compensation was settled, it should be attended to. He could assure the noble lord, that no press of business should have prevented him from undertaking a measure of that kind in the present session, if that

part of the question to which he had alluded could have been settled with satisfaction to the parties immediately concerned, and with justice to the public interest.

Mr. Peel subsequently remarked, that he was no friend to patent offices. His fear was, that if a bill were introduced similar to that of last session, these officers would get too much under its provisions. So far was he from encouraging patent officers, that, on the termination of the existing officers provision would be made to render it impossible that others should be appointed in the same way. The principle, he admitted, was bad for the interests of justice; but the uniform practice had been, when great offices were granted for public services, to attach those patent situations to them.

MR. O'CONNELL—CLARE ELECTION.

MAY 18, 1829.

On the order of the day for resuming the debate adjourned from the 15th instant, on the motion, "That Mr. O'Connell be called back, and heard at the table,"—

MR. SECRETARY PEEL said, he thought it might tend to save the time of the House, if he were at once to state the view which he took of the subject under consideration. This debate was adjourned upon the day that an hon. member of this House came down to take his seat, on having administered to him the Oaths of Allegiance and Abjuration. The right hon. the Speaker, most properly, in the execution of his duty, which compelled him to enforce the observance of the laws and usages of parliament, according to his construction of them, hesitated to admit the hon. member on taking the Oaths of Allegiance and Abjuration, and required him to take the former Oath of Supremacy. The hon. member objected to take the former Oath of Supremacy, and preferred a claim to sit on taking the oath prescribed by the act passed in the present session for the relief of his majesty's Roman Catholic subjects. The question immediately for the consideration of the House was this—whether or not the member for Clare should be heard at all on the subject; and if he should be heard, whether he should be heard at the table or at the bar of the House. With these questions he would in no manner mix up any other question. He would avoid expressing the slightest opinion on the legal point, whether the member for Clare had a right to sit without taking the former Oath of Supremacy. He would postpone his opinion on that point, until such time as it should be discussed; and he would now address himself entirely to these three questions,—whether the member for Clare should be heard at all, and if heard, whether he should be heard at the table, or at the bar of the House. Having given this subject the fullest consideration, during the interval which had elapsed since the debate was adjourned, he had come to the conclusion that, under the peculiar circumstances of the case, it would be fitting to hear the member for Clare. He thought so because the case was a special case, which could not possibly be drawn into precedent. It was a claim founded on a question as to the construction of acts of parliament. Whatever the ultimate decision of the House might be on that claim, that decision would be more satisfactory, if the House permitted the object of it to state his case in the manner which he should afterwards point out. He was aware that the question was a special and individual one, which therefore, perhaps, might be exempted from the ordinary regulations; but he conceived that it was a question not only of admission to privilege, but of liability to penalty; because, the question would arise as to what oath was proper to be taken, and if the member for Clare should take the wrong oath, he would be subject to a penalty in a court of law. But as there were special and peculiar circumstances in the present case, he was desirous, particularly as it could not be drawn into precedent, of giving the individual so circumstanced every fair advantage, consistent with the usual practice of the House. As to the question, whether the member for Clare should be heard at the table or at the bar of the House, he had no hesitation in saying, that it would not be fitting to permit him to be heard at the table. He thought there was nothing in the precedents quoted which fortified the hon. member's claim argumentatively to discuss at the table his right to sit in that House. The only precedents bearing on the present case were limited to those of Lord Fanshawe and Sir H. Monson. Lord Fanshawe and Sir H. Monson were mem-

bers of the convention, which was subsequently declared to be a parliament. In addition to these, there were the cases of Mr. Archdale and Mr. Wilkes, who was brought up in custody to the bar. The cases of Lord Fanshaw and Sir H. Monson were very peculiar. They were members of the convention parliament and had sat in the House, without taking any oaths at all, either at the office of the Lord Steward, or at the table of the House. In point of fact, it was impossible that they could have taken any oaths; for the only Oath of Allegiance which then existed was that prescribed by king James, and it was manifestly inconsistent that the members of the convention should take an oath prescribed by king James. They continued to sit as members of the convention, and were parties to the act by which the convention was declared to be a parliament, without taking any oaths, and were found in that condition, when an act passed abrogating the old oaths and prescribing new ones. It was by that statute enacted, that after the 1st of March, 1689, every member should take the Oaths of Supremacy and Allegiance, as altered by the parliament, in lieu of the former ones. Four hundred members qualified on the first day, and on the 2nd of March there was a call of the House, and many members who had not been present on the first day, were called upon to attend, and required to take the Oaths of Supremacy and Allegiance, as prescribed by the 1st of William and Mary. Those oaths were tendered to the two members by the Speaker, and upon declining to take them, they were ordered to withdraw. The case of Mr. O'Connell was, he apprehended, in substance the same. The Speaker having tendered to him the Oath of Supremacy, he declined to take it, and was then ordered to withdraw. Whatever peculiarity attended the cases of Lord Fanshaw and Sir H. Monson, as members of the convention parliament, they did in substance what the member for Clare did—they stated their objections to take the oaths, and they were then ordered to withdraw; but they did not address any argument upon the subject while in the House, and they were not competent to do so, because they were incapable of being present, until they had qualified according to law. The case of Mr. Archdale was very nearly the same. He acquainted the Speaker, that he had consented to serve as a member of parliament under the impression that his declaration of fidelity would be tantamount to taking an oath. When he came into the House, the oaths were tendered to him, which he declined taking, and he was ordered to withdraw. Then came the case of Mr. Wilkes, which a right hon. member thought established the right of the member for Clare to be heard at the table.

Mr. Wynn explained. He had stated, that the case of Mr. Wilkes established Mr. O'Connell's right to be heard at the bar.

Mr. Peel.—The course pursued on that occasion clearly proved that a member who had not qualified must be heard at the bar. Mr. Wilkes was brought up in the custody of the Marshal of the King's Bench, and before any thing passed, he desired to put this question to the Speaker, whether or not, as he had not taken the oaths, and had not presented his qualification at the table, he did not subject himself to the penalties inflicted by the statutes of Charles II., if he addressed any observations to the House. He was then ordered to withdraw. The subject was referred to the House, and the opinion which the House delivered was, that though he had not taken the oaths, and had not presented his qualification, yet there was nothing in the act which prevented him from appearing at the bar. But, independently of these precedents, the question might be tried by the dictates of common sense. Assuming that the Oath of Supremacy was in force according to the interpretation which had been placed on it by the organ of the opinion of that House, whose duty it was, subject to the control of the House, to interpret the law, and to act upon that interpretation;—assuming that it was quite inconsistent with law to permit the member for Clare to be present at discussions of the House, and to deliver arguments without taking the Oath of Supremacy,—what would be the consequence of remaining in the House, having omitted to take that oath? The law subjected individuals who sat, or voted, or entered into the House, not having taken the Oath of Supremacy, to heavy penalties; and therefore, even if there were considerable doubt on the subject, the House ought not to lend its sanction to the possible infraction of the law. The object of the house was to hear what could be urged by the individual in question in support of his claim. That purpose would be answered by hearing him at the bar. By hearing him at the bar he would be exempt from

all penalties which possibly might attach to him if heard at the table; and therefore, in reference to his own security, it was better that he should be heard at the bar than at the table. These were the reasons which had brought him to the two following conclusions:—namely, that under the special circumstances of the case, as it was incapable of being drawn into precedent, being an individual question, and as it rested on the construction of acts of parliament, it was right to give to the member whose case was involved in this consideration, the privilege of stating it by himself, counsel, or agents. He had also stated the grounds why he thought the member for Clare ought to be heard at the bar of the House, in preference to being heard at the table. He knew that these matters were considered by some persons, but he believed by no member of that House, of trifling importance. Great public interest, he was convinced, was concerned in maintaining the privileges of that House, and in doing an act of substantial justice we should take care to see that it was done according to forms, which only superficial minds held up to ridicule. An hon. friend appeared to be under the impression, that the House ought to admit the member for Clare into the House. In reference to his having been permitted to advance to the table in the first instance, without being called upon to produce a certificate of his having taken the oaths before the Lord Steward, the precedents were in his favour. That was exactly the case of Mr. Archdale. Before appearing in the House, he informed the Speaker that he entertained strong objections to take the oaths. The presumption, therefore, was, that he had not qualified out of doors; and, notwithstanding that, the House admitted him to the table for the purpose of taking the oaths. The presumption was, that the member had complied with the law, which directed that certain oaths should be taken before the Lord Steward, and he subjected himself to a high penalty if, having neglected to do so, he took his seat. The power to administer the oaths was given to the Lord Steward for the satisfaction of the Crown, which was not content by their being administered by the officers of that House; and the Crown required that the members of the House should give such security with respect to their allegiance to the Crown as parliament should require. The practice of requiring the certificate had not been steadily adhered to. He had himself taken his seat in the House, after qualifying in the Lord Steward's office, without his certificate being demanded. He therefore thought that the course adopted by the Speaker was exactly in consonance with the usages of the House. He should propose by way of amendment, in order to bring the question to an issue, to leave out from the word "O'Connell" to the end of the question, in order to add the words, "the member for Clare, be heard at the bar, by himself, his counsel, or agents, in respect of his claim to sit and vote in Parliament, without taking the Oath of Supremacy," instead thereof.

The amendment having been agreed to, Mr. O'Connell was called in and heard; after which, Mr. O'Connell having withdrawn, the Solicitor-general moved, "That it is the opinion of this House, that Mr. O'Connell having been returned a member of this House, before the commencement of the act passed in this session of parliament, for the relief of his majesty's Roman Catholic subjects, is not entitled to sit or vote in this House unless he first take the Oath of Supremacy."

In the lengthened debate which ensued,—

Mr. Peel, rising after Mr. Brougham, said, he felt great diffidence in venturing to offer an opinion on a question which required for its due discussion advantages of professional education and professional experience, which he had not the good fortune to possess. But he still felt that this doubt of his competency did not relieve him from the obligation of forming an opinion on its merits, nor prevent him from expressing that opinion in his judicial capacity. The conclusion at which he had arrived was so far satisfactory as to have the sanction of three of the most eminent legal authorities. It was his good fortune, in the judgment which he had formed on the present question, to concur with his learned friend the Solicitor-general, with the learned member for Peterborough, and with his learned friend (Mr. Sugden), whose acuteness and ability were so justly appreciated. He was not prepared to concede the point at issue, on the ground that, by the act of William and Mary, the Oaths of Abjuration and Supremacy had been repealed; for on reference to that act he did not see the repeal, nor any thing to warrant his saying, that such was the design of the eminent men who framed that measure. But by referring to the 8th

chapter of the first of William and Mary, it would at once appear obvious, that it never was the intent of the parliament of that day, in passing the latter act, to repeal the Oaths of Supremacy and Abjuration. The 8th chapter of the first of William and Mary provided, that the oaths shall be administered by the Lord Steward, in the Lord Steward's office, to all members of parliament previous to their taking their seats, and that the said oaths shall be administered at the same time, and in the same place, as the former oaths. The 5th section of the 8th chapter of the first of William and Mary afforded an additional proof, that it never was the intent of the legislature, in passing the 1st of William and Mary, to repeal these oaths. That section constituted a renewal of the enactment which made it obligatory on all persons coming into other situations, civil or ecclesiastical, to take these oaths; and it provided, that every person who should be admitted to any employment, civil or ecclesiastical, or who should come into any capacity in respect whereof such person was bound to take those oaths, under the former act, should take the oaths aforesaid in the manner, at the time, and in such courts and places, as he ought to take the former oaths, on entering upon such employment. Here was a strong proof of what was the intention of the legislature in passing these acts. The 1st of William and Mary provided that these oaths should be administered to all members of parliament, and this clause of an act passed subsequently in the same session provided, That the oaths established to be taken by virtue of that act, should be administered to all persons holding offices of emolument or trust under the Crown.—But he would show by a reference to the course pursued by parliament, almost immediately subsequent to the period at which the 1st of William and Mary, cap. 1, was passed, that no doubt whatever could be entertained in respect to this matter. In 1689, a few months only after the passing of the act to which he had alluded, in the new parliament which succeeded in that year, a fact occurred, which in his mind at once set the question at rest. He would ask, if the legislature had intended by the 1st of William and Mary, c. 1, to repeal the Oaths of Supremacy and Abjuration, whether if such had been, as was contended, the real intention of the legislature in passing that act, it would appear that those oaths had been administered by the Lord Steward as usual in the assembling of the new parliament? Was it possible, he would ask, if such had been the case, that an entry would appear upon the Journals of this House, dated the 20th of March, 1689, and which stated, that on that, the first day of the meeting of parliament, the Earl of Devonshire came into his office, and that in the presence of the clerk of the Crown, and of others then and there present, he administered to certain members of parliament, the oaths appointed to be taken by an act in the first year of his majesty's reign, entitled "an act," &c., and that having done so, he formed a commission, consisting of his deputy, and such of the members as had been sworn to administer the said oaths to the other members of the House of Commons, and that the said persons so commissioned and deputed, and attended by the clerk of the House of Commons, did, according to the power given to them administer the said oaths to all the members of the House previous to their taking their seats, and that the said members having been thus sworn proceeded to elect their Speaker. Would it be contended after that, that it was the real intention of the parliament of 1688 to repeal the Oaths of Supremacy and Abjuration, or to afford to any persons relief from the obligation of taking such oaths? The hon. and learned gentleman who had just sat down, said, that the case was full of doubt and difficulty; and that, under such circumstances, we were bound to give the individual the benefit of that doubt. Now, he was of opinion, that they were bound to stand, in this instance, upon their privileges. If this were, indeed, a case where a question before a court of justice, and a doubt arose, he would say that all the benefit of that doubt should be given to the individual. But it should be recollected, that the question before them was one which regarded more the privilege of Parliament than the right of an individual; and that they were bound to decide that question without reference to the claim of any particular individual. It was said, that Mr. O'Connell should not be made a solitary exception to the general relief afforded by the late bill. But, if the Relief bill excluded Mr. O'Connell, why was not that objection urged to it during its progress through that House? Why was not an alteration in the Relief bill then proposed, in order that Mr. O'Connell might not be excluded? But now they had to decide the claim preferred strictly in reference to the privileges of Parlia-

ment, and the obvious intent and meaning of the acts under which that claim was advanced; and there was no necessity for infusing into such a case the painful discussion of personal feelings and consideration. Good God! that personal feelings could be supposed to have any operation in this case! The claim was undoubtedly an individual, but (if he might be allowed to make the distinction) not a personal one, which was advanced in this instance by Mr. O'Connell. He happened to be the only Roman Catholic that was returned to Parliament previously to the passing of the Relief Act, and if the case had been that of Lord Surrey, the member for Horsham, instead of the member for Clare, it was his firm conviction that the House would have dealt with it precisely in a similar manner. Mr. O'Connell, being a Roman Catholic when he was elected, was disqualified by the operation of the then existing law from taking his seat. He knew at the time when he was returned, that such was the meaning given to the law then in operation; there was therefore nothing unjust in telling him, that as he was elected under the former law, by that law he must abide. They might justly say to him, "We deprive you of nothing! we leave you in the state you were in before the passing of the late bill. We have certainly for the future relieved you, in common with all Roman Catholics, from the necessity of making the declaration against Transubstantiation. That bill was intended to place all Roman Catholics in that respect upon an equal footing; but it was not intended to apply to your personal case; it was not intended to relieve you from the necessity of taking the oaths prescribed by acts of parliament which were the law of the land at the time that you were elected. It is by the operation of the former law that you are now excluded; and as you were elected previously to the passing of the Relief bill, there is no injustice whatever in now excluding you, and no necessity has been shown to induce us to go out of our way to perform an uncalled-for act of grace and favour." Mr. O'Connell was elected at a time when the passing of that act was neither contemplated by him nor by his constituents; and he had no right to have it applied retrospectively for his peculiar benefit. The learned gentleman had attributed much force to the position which Mr. O'Connell had taken up in reference to the Act of Union with Ireland. That act provided, that the oaths prescribed by the former acts to be taken by members of parliament, should continue to be taken "until parliament should otherwise provide." "Now," said Mr. O'Connell, "parliament has 'otherwise provided:' the time has expired, and the House is no longer competent to administer these oaths." The learned gentleman who spoke last characterised that as a strong point; but to him it appeared to be a most futile argument indeed.—It was not necessary to take up the time of the House in showing, that the late act was limited to a particular provision of relief for the Roman Catholics, and that a particular provision of that nature could not be urged as an alteration in the law which took away the force of all the previous enactments in every instance. If it were admitted, that the House was not competent to administer those oaths to Mr. O'Connell, neither would it be competent for the House to administer those oaths to Protestant members; and if the passing of the Relief bill took away from this House the power of requiring Protestant members to take those oaths, how had it happened that there was no objection made to them since? If the argument of Mr. O'Connell were well founded, every individual, except a Roman Catholic, on being elected, would have a perfect right to sit in parliament without taking any oaths. The argument was a most futile one indeed; but he was not a little surprised to find the learned gentleman,—after advancing such a position as that, endeavouring to support his claim under the tenth section of the act for the relief of the Roman Catholics,—after thus putting forward his right to sit under the old law, making an effort to sustain it under the act passed subsequently to his election.

Mr. Brougham.—He only adverted to that portion of the act.

Mr. Peel.—He endeavoured to force a construction upon it favourable to his particular case.

Mr. Brougham.—He only mentioned it incidentally.

Mr. Peel said, that he only intended to do the same. It was asserted, that this enactment had not only a prospective but a retrospective operation. Without entering upon the question as to what decision a court of justice might pronounce, in reference to the penalties for not taking the oaths, he would maintain, that the

Relief Act had not a retrospective operation, so as to embrace Mr. O'Connell's case, and it could in no other way be made applicable to it; for Mr. O'Connell was elected before the passing of that act. It was not the law under which he was elected, and there could be no cavil on that point; for so early as the reign of Henry VI., the certificate of the sheriff that an individual was duly elected constituted sufficient evidence as to the time that member was returned, and such certificate as to the learned gentleman's return was in possession of the House.—The hon. and learned gentleman had adroitly endeavoured, by referring to proceedings in another place, and by alluding to a clause which had been there proposed by a high legal authority, during the progress of the Relief bill, for the purpose of excluding Mr. O'Connell by name, to prove that there was a strong presumption that the present enactment was insufficient for that purpose. Now, he apprehended that the argument of Lord Tenterden on that occasion was, that if Mr. O'Connell would take the Oath of Supremacy, there was nothing to prevent him from taking his seat; that the necessity of making the Declaration against Transubstantiation was removed, and that there only remained the Oath of Supremacy to keep him out. But, by referring to the act, it would be seen that its operation was wholly prospective; for it enacted, "That from and after the commencement of this act, it shall be lawful for any person professing the Roman Catholic religion, being a peer, or who shall, after the commencement of this act, be returned as a member for the House of Commons, to sit and vote in either House of Parliament respectively, being in all other respects duly qualified to sit and vote therein, upon taking and subscribing the following oath, instead of the Oath of Allegiance, Abjuration, and Supremacy." The act thus applied, not only to a Catholic in the situation of a peer, but to a Catholic who should be returned a member of the House of Commons; and its operation was strictly confined to the future.—The right hon. gentleman proceeded to state, that they were to deal judicially with this question, and to decide according to the privilege of parliament, without reference to extrinsic circumstances. Mr. O'Connell had complained that he was excluded from the enjoyment of a civil privilege. But the legislature had drawn the distinction in the Relief Act between a mere civil privilege and the right of sitting in parliament; and the House would see at once the justice of the distinction. The hon. member was excluded from no franchise or civil right whatever to which his Catholic fellow-countrymen had been admitted by the Relief Act. He was entitled to the enjoyment of all the privileges and franchises conferred by that act on complying with its provisions; but, in this instance, he claimed a right to sit as member of parliament under the old law, and by the operation of that law he was excluded. Upon the whole, he considered it their bounden duty to act in accordance with all the previous customs of parliament in such cases; and no considerations connected with, or arising out of other questions, should induce them to depart from that course. To Roman Catholics returned hereafter they would extend the benefit of the existing law; but it would be wrong to extend its benefit, by a retrospective operation, to a Roman Catholic who had been returned under a different state of the law. Under such circumstances, he felt himself bound to say that, on this occasion, he was not governed by a reference to any external circumstances, and that, let the consequences be what they might, he could not bring himself to adopt a different course. He was acting judicially, and he must vote for the resolution proposed by his hon. and learned friend.

The House divided: Ayes 190; Noes 116. Majority, 74.

MAY 19, 1829.

Mr. O'Connell having been called to the bar, and having refused to take the Oath of Supremacy, the Solicitor-general moved, "That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing of a Knight of the Shire to serve in this present Parliament for the county of Clare, in the room of Daniel O'Connell, Esq., who, having been returned a Member of this House before the commencement of an Act passed in this Session of Parliament 'for the relief of His Majesty's Roman Catholic subjects,' has refused to take the Oath of Supremacy."

Mr. Wynn said, he found in an act of the present session, the following clause, "And be it enacted, that when the session herein directed to be first holden for the

purpose of registering freeholds shall have terminated in any county, the Lord-lieutenant or other chief governor of Ireland shall cause notice thereof to be inserted in the 'Dublin Gazette;' and that in case of a vacancy in the representation of any such county in this present parliament, before the publication of such notice of the termination of the session for such county, no writ shall issue for the holding of an election of a knight of the shire for such county, until after the publication of such notice." Now, as the act also required, that no session for registering freeholds should be held until forty days after the commencement of the act, and that forty days had not yet expired, he doubted whether it would be regular for the Speaker to direct the issue of a writ which could not be complied with.

Mr. Peel was quite aware that this doubt would be suggested, and was inclined to think that, notwithstanding the objection, the motion would be better as it stood. The order of the House was not that a new writ should be issued, but merely that the Speaker should issue his warrant to the Clerk of the Crown. He apprehended that the Clerk of the Crown, notwithstanding the Speaker's warrant, might suspend the issue of the writ until it could be legally issued. The law, I apprehend, will justify the Clerk of the Crown in disobeying—if it can be called disobeying—or rather in not acting upon the Speaker's warrant until the time specified by act of parliament for the issue of the writ has arrived. The clerk will receive the warrant, but he will not act upon it until the law allows him. Thus it appears to me, that the House will perform the duty that devolves upon it, without acting inconsistently with the law. However, the order of the Speaker to issue his warrant may be delayed till the forty days are expired, if that course be deemed the better one; and the question, therefore, is, whether the warrant shall be immediate or delayed for forty days?

On the motion of Mr. Portman, the debate was adjourned to Thursday the 21st.

METROPOLIS POLICE BILL

MAY 19, 1829.

MR. SECRETARY PEEL having moved that the Metropolis Police Bill be recommitted, said, that the anxiety and trouble he had suffered on account of this bill made him desirous of seeing the question decided. Towards the close of the last session the committee made a unanimous report, on which the present bill was founded. That report had been printed, and every body had full notice of what was intended to be done. The bill had been brought in the week after the Catholic Relief bill was passed; so that it had now been a sufficient time before the public. If the city of London had not been included, it was because the committee had reported, that the state of the nightly police there was much superior to that in Westminster. No less than seven or eight committees, from the year 1763 to the present day, had enforced the fitness of some measure of this kind, and it was, therefore, high time that it should be introduced. The increase of crime in London and Middlesex, as appeared by returns from the Old Bailey, further showed the necessity for it; as, between 1822 and 1826, the prisoners for trial at those sessions had increased from two thousand five hundred and thirty-nine to three thousand five hundred and sixteen in the year. He apprehended that the general feeling of the metropolis and its vicinity was in favour of this bill, in which he had come to the determination of fixing the maximum of contribution, in the different parishes, at 8*d.* in the pound sterling upon the annual value of property.

After a short conversation, the bill went through the committee.

MR. O'CONNELL—CLARE ELECTION.

MAY 21, 1829.

In the resumed debate on this subject, Mr. Spring Rice moved, as an amendment, "That leave be given to bring in a Bill to amend the act of the present session of

parliament, entitled, 'An Act for the Relief of His Majesty's Roman Catholic Subjects,' so far as relates to the Oaths to be taken by members of the House of Commons being Roman Catholics."

Lord Morpeth seconded the motion.

After a discussion of considerable length, Mr. Spring Rice expressed his readiness to withdraw his motion. Had he conceived it to be at variance with the good faith and honour of the House, he could not have proposed it. As there did, however, seem to be a very general opinion that any alteration of the Relief bill might involve a construction of that kind, he was anxious to withdraw it; and if any expressions had fallen from him calculated to excite angry feelings in Ireland, no one could regret it more strongly than he would.

MR. SECRETARY PEEL said, he cordially rejoiced in the announcement of the hon. member. So little, indeed, was he disposed to take any triumph on this question, that he preferred such a conclusion to any negative of the motion, although supported by a large majority. Indeed, he should not have said a single word on the subject, had he not wished to make an observation on an expression which fell from an hon. member, attributing harshness and severity to those who brought forward the motion for the exclusion of Mr. O'Connell. Now, every thing which could give the slightest semblance of the motion being a personal proceeding had been wholly avoided. So far from wishing to push the proceedings beyond the usual practice of parliament, the motion, although not expressly enjoined by law, was not in the discretion of the House, and was in every respect conformable to its practice, in cases either exactly similar or bearing a strong analogy to that of the member for Clare. In the cases of Lord Fanshaw and Sir H. Monson, upon a refusal to qualify, they were discharged from their attendance, not expelled, and new writs were issued. The case of Archdale, the Quaker, was, however, precisely in point. There had been a case, too, of recent occurrence, which bore a strong analogy to that of Mr. O'Connell. He alluded to the case of Mr. Southey. Mr. Southey was elected member for Downton; and having thereupon written a letter to the Speaker, intimating that he did not possess the necessary qualification, the Speaker read the letter to the House, and a new writ was issued immediately. So far, therefore, as precedent went, the practice had always been in strict conformity with the present motion. Had not the House, however, acted with the greatest forbearance to Mr. O'Connell? It was well-known to every member that Mr. O'Connell had been in town from the commencement of the session; and yet, although this was notorious, had any motion been made to compel him to present himself for the purpose of taking the oaths? No motion of that kind had been attempted; and when the decision of the House was made, that decision, it ought to be recollected, was forced upon it by Mr. O'Connell himself. The course of the House had been throughout perfectly justifiable. They could not, in compliance with their duty, have adopted any other. Mr. O'Connell had pronounced a determination not to take the oaths; and he would ask, was not the House bound to provide for a new election? It had been intimated that government had used its influence to increase the majority upon this question. To that statement he gave the most peremptory contradiction. The government had not interfered in any way upon the subject. Even those ordinary forms which they all knew were used to give information to members when business of importance might be expected, was departed from in that instance. He viewed Mr. O'Connell's case merely as that of an individual; and should treat it as he should the case of any other member. The course which the law of the land and the precedents of parliament pointed out should be, without hesitation, pursued towards Mr. O'Connell, regardless of the consequences which an hon. gentleman seemed to fear would result from doing so. His gallant friend seemed to anticipate with considerable alarm the consequences which would follow the course now proposed for adoption by the House. Now, he felt no such alarm. The observations of his gallant friend he should answer by merely stating a few facts respecting the course which government had pursued, during the last few weeks, in the county with which his gallant friend was connected. Several instances of insubordination and disturbance having recently occurred in the manufacturing districts in that county, he had thought it right in mercy to the deluded sufferers, to send over to Ireland for the transport of some troops into Lancashire. Now, so far from being informed that they could not

be spared, he had received the following letter from the highest authority in the sister kingdom; and he mentioned the fact to show the beneficial consequences which had already resulted from the late measure of concession. On the 9th of May he had written to the Lord-lieutenant to send over three regiments if he could spare them, and on the 11th his Excellency had written to him the following reply:—"I have this day received your letter of the 9th, signifying your wish to withdraw, if possible, one regiment of cavalry and two of infantry from the military force of this country. In reply to which, it gives me real satisfaction to inform you, that, under present appearances, these regiments may be spared without any danger to the public peace of this country." There was in this letter enough to satisfy him of the beneficial manner in which the late bill had operated upon the tranquillity of Ireland. Why, then, was it to be said that the present question, which was merely one of parliamentary privilege, was calculated to undo the good they had already achieved? He cared nothing about the new election for Clare; all he considered was, the necessity of maintaining the just privileges of parliament. Upon the question of expediency also, he was much fortified in his opinion; for if they were to reopen this consideration, what would those think who were affected by the forty-shilling disfranchisement bill, which was the price paid for the larger measure? Upon the fullest deliberation, therefore, he saw no other course which it became them to take, than to agree to the motion of his hon. and learned friend.

The amendment was withdrawn, and the original motion agreed to.

 PORTUGAL—DON MIGUEL.

JUNE 1, 1829.

On the motion of Sir J. Mackintosh, the passages in his Majesty's speech at the commencement and termination of the last, and at the commencement of the present session were read. Sir J. Mackintosh then delivered a long and powerful speech, relating to the affairs of Portugal, concluding, amidst loud cheers, with moving for copies and extracts of communications concerning the relations between this country and the Queen of Portugal, illustrative of the several topics alluded to in his speech.

Mr. SECRETARY PEEL said, that the right hon. gentleman who had just made an able and eloquent speech to the House, had reserved for the closing part an affecting address to their feelings. The right hon. gentleman had detailed the extreme severities alleged to have been committed upon certain residents in the city of Oporto. He was confident, however, that no sympathy towards the sufferings of individuals, and no indignation against injustice, would withdraw the House from the calm and dispassionate consideration of those principles on which the public policy of this country had been founded with regard to the kingdom of Portugal. He could not but express his cordial concurrence in the hope that this country, through the forbearance, wisdom, and virtue of its constitutional counsellors, would continue to enjoy the tranquillity and harmony which, for the last fifteen years, it had happily experienced. He trusted that efforts would be made to advance general instruction and civilisation, and increased commercial intercourse between the nations, until the character of merely military conquerors was reduced to its proper dimensions, and until society was impressed with just notions of moral obligations and the blessings of peace. He hoped he should not be misconstrued, as a minister of this country, in using this language. It proceeded from no unwillingness to enter upon war, if the cause were just and necessary—from no diffidence in the resources of the country—from no fear of the ability of bringing such a contest to a successful issue; but no man interested in the general improvement and happiness of mankind, and charged with the superintendence of the concerns of a great nation, could be accounted as acting an unworthy part in wishing for the continuance of peace. He indulged the hope of being able to satisfy the House, that the course pursued with respect to Portugal had not only been in conformity to the strict principle of engagements—not only in conformity to the moral responsibility which England had incurred—but that it was better calculated to provide for the continuance of tranquillity, than that which, judging by his arguments and observa-

tions, the right hon. gentleman would have been disposed to recommend with regard to the kingdom of Portugal. He admitted with the right hon. gentleman the antiquity of the relations subsisting between this country and Portugal. He admitted that they had continued almost without interruption for four hundred and fifty years; and although the right hon. gentleman said, that on three occasions Portugal was subjected to invasion in consequence of its adherence to England, yet he begged to remind the House, that England had not been backward in advancing to the succour of Portugal; and that the history of no country exhibited more proofs of the part taken by a powerful state to protect any kingdom in its interests and independence. The Portuguese were well entitled to the name of ancient allies: the inhabitants of the respective countries had united their arms in many fields, and almost always in fields of victory. The question now to be considered was, whether treaties existed imposing on Great Britain any obligation which of late had not been fulfilled; or whether any obligation imposed on her a duty to be fulfilled when called on by an appeal for further interference.

If the House would permit him, he would notice in detail the several observations of the right hon. gentleman; and in the first place, those made rather with a view of provoking explanation than of criminating or accusing the advisers of the Crown. The right hon. gentleman had stated that, by a series of treaties, England was bound to protect the integrity and independence of the Portuguese territories. That statement was correct; but he denied that, either in the letter or in the spirit of those treaties, or in any engagement or obligation entered into by Great Britain, there was conveyed a guarantee of the succession of any particular individual, or a guarantee of the existence of any political institution in Portugal. No request for such a guarantee had ever been preferred before the year 1820. In consequence of the unfortunate dissensions since that time, frequent applications had been made to England by different parties, either for the guarantee of certain institutions, or the security of existing forms of government; but the uniform answer was, that the guarantee to Portugal was against foreign invasion, and not on behalf of particular institutions, and that the general rule of England was not to interfere in the internal affairs of other countries. In 1822, his right hon. friend, Mr. Canning, being reappointed to the office of secretary for foreign affairs, was appealed to by the democratic government of Portugal for a guarantee of its political institutions. His right hon. friend referred the deputation to the declaration made by Lord Castlereagh at the congress of Laybach, as the minister of England, that her rule was not to interfere in the affairs of other countries, and distinctly notified to the secretary of state of Portugal, that the general principles of Lord Castlereagh's declaration applied to the institutions of Portugal. He held in his hand an extract from the note written by Mr. Ward under the direction of Mr. Canning. It stated that, in reply to the doubts of Mr. Oliveira, he referred to the declaration of 1821, laying it down as his Britannic majesty's principles, with respect to foreign states, to abstain from interference in their domestic affairs; a principle which applied to all independent states, and was the more binding as depending on the law of nations. He referred, he said, to this note, to show that the present policy was not a line of conduct adopted for one occasion, but a principle expressly laid down both by Lord Castlereagh and Mr. Canning, and which, notwithstanding our peculiar relations with Portugal, in consequence of treaties existing for four hundred years, was yet not considered applicable to Portugal more than to any other state. In 1822, when Brazil and England were engaged in negotiations consequent upon the declaration of the independence of the crown of Portugal, the principle was also considered applicable, and was observed throughout; and, in acknowledging the independence of Brazil, it was understood that it should not preclude an amicable arrangement between the two countries. The course adopted by Mr. Canning not only was sanctioned by sound policy and justice, but was the principle that had always guided England, when called on to interfere in the civil concerns of Portugal. It was quite true that, in 1826, England sent an army to Portugal, and he thought then, and thought now, that, in doing so, she not only acted in conformity with the spirit of ancient treaties, but of wisdom and sound policy. Nothing could be more express than the disclaimer by Mr. Canning, that the army was not sent out for the purpose of supporting political institutions, but at the express instance of the *de facto* government of Portugal,

craving the assistance of England as a protection from foreign invasion. The principle of non-interference was distinctly recognised in sending out that army, and every instruction to the officer in command was to forbear mingling in civil dissensions, but to protect the kingdom from foreign invasion.

He brought forward these statements to show, that England had throughout declined giving a guarantee for any political institutions, or interfering in civil dissensions. That being the general rule, was there any peculiarity in the usurpation of Don Miguel, or in the claims of Donna Maria, to impose upon England the necessity of departing from her usual course? He was prepared to contend, in opposition to the interferences that might be drawn from the arguments of the right hon. gentleman, that there was no special case calling for a departure from our general system of policy. The first proof given by the right hon. gentleman of the duty of a qualified interference was drawn from the fact, that Don Miguel's accession or usurpation was in 1825, at the time when the treaty of separation between Brazil and Portugal had been entered into, and when the constitution had been sent from Brazil, through the agency of Sir Charles Stuart, a British subject. The right hon. gentleman had stated, that this circumstance must have led the people of Portugal to believe that England was a party to the grant of the constitution, and as such bound to aid and support it. The answer to that point was quite conclusive. The affairs of Portugal would be so familiar to the House, that they would recollect that Don John, its late monarch, died in 1826, and that Don Pedro, his son, having effected the separation of Brazil and Portugal by treaty, was styled Emperor of Brazil. Don John died, and the treaty was ratified; but no provision had been made for the succession to the crown of Portugal. Don Pedro claimed the crown as king by succession, and determined on transferring it to his daughter, with the grant of a constitution. Now, the fact was, that England was not in any way responsible for that constitution. Don John died in 1826, and Sir Charles Stuart brought the constitution to Portugal on the 11th of May in the same year; and, by the dates of the different events, it was physically impossible that England should have organized the charter. Sir Charles Stuart was not only the plenipotentiary of England to Brazil, but was also employed in a similar capacity in adjusting certain differences between Brazil and Portugal; and, having discharged his duties as a British subject, he had remained at Rio Janeiro in the latter character. Sir Charles did not act by the advice of the British government, but was the mere bearer of the charter; and Mr. Canning, fearing that his residence at Lisbon might create an impression that this country was responsible for the charter, sent a circular to every court in Europe, disclaiming, on the part of the British government, any part in, or even knowledge of, the transaction; and he moreover ordered Lord Stuart forthwith to leave Lisbon, lest his presence should be misconstrued into a countenancing of Don Pedro's constitution. The right hon. gentleman had inferred, that England had contracted to support the constitutional charter. Now, it so happened, that all delusion upon that point had been effectually prevented by the language of the minister for foreign affairs, who declared in parliament, that he had declined advising the king to interfere in the affairs of Portugal. Nothing could be more explicit than the declaration of Mr. Canning. As the subject was important, he trusted the House would allow him to refer to the words of Mr. Canning. On the 12th of December, 1826, in the celebrated speech which he delivered on bringing down the king's message respecting the affairs of Portugal, Mr. Canning expressed himself as follows:—"It has been surmised, that this measure (the grant of a constitutional charter to Portugal), as well as the abdication with which it was accompanied, was the offspring of our advice. No such thing. Great Britain did not suggest this measure. It is not her duty, nor her practice, to offer suggestions for the internal regulation of foreign states. She neither approved nor disapproved of the grant of a constitutional charter to Portugal; her opinion upon that grant was never required. True it is, that the instrument of the constitutional charter was brought to Europe by a gentleman of high trust in the service of the British government. Sir Charles Stuart had gone to Brazil to negotiate the separation between that country and Portugal. In addition to his character of plenipotentiary of Great Britain as the mediating power, he had also been invested by the King of Portugal with the character of his most faithful majesty's plenipotentiary for the negotiation with Brazil. That

negotiation had been brought to a happy conclusion; and therewith the British part of Sir C. Stuart's commission had terminated. But Sir C. Stuart was still resident at Rio de Janeiro as the plenipotentiary of the King of Portugal, for negotiating commercial arrangements between Portugal and Brazil. In this latter character it was that Sir C. Stuart, on his return to Europe, was requested, by the Emperor of Brazil, to be the bearer to Portugal of the new constitutional charter. His majesty's government found no fault with Sir C. Stuart for executing this commission; but it was immediately felt, that if Sir C. Stuart were allowed to remain at Lisbon, it might appear in the eyes of Europe that England was the contriver and imposer of the Portuguese constitution. Sir C. Stuart was therefore directed to return home forthwith, in order that the constitution, if carried into effect there, might plainly appear to be adopted by the Portuguese nation itself—not forced upon them by English interference." On the part of the government of England, it was evident, therefore, that no advice had been given on the subject of this charter, and that England was in no way responsible for it. Mr. Canning publicly avowed this fact; therefore there could have been no deception practised upon Portugal, nor could she have placed any reliance upon the participation of England in the transaction.

The right hon. gentleman, in the second part of his speech, had adverted to the discussions at London and Vienna, respecting the acceptance of the regency by Don Miguel, as involving a necessity to support the claims of the young queen. But surely it was too much to contend, that, if England and Austria had taken certain measures respecting the appointment of Don Miguel to the regency, with the sanction of Don Pedro, they thereby became the guarantees of the queen's rights. It was true that the King of Great Britain and the Emperor of Austria took certain measures to induce Don Miguel to comply with the engagements; and it was true that the engagements he contracted with Don Pedro were not fulfilled. That circumstance might impair the individual character and conduct of Don Miguel, in any discussion regarding his private crimes and vices: but he would remind the right hon. gentleman, that the vices and the crimes of this individual were matter of consideration for the inhabitants of Portugal; and if ever we undertook to govern our public policy by considerations arising from the private acts of individuals, he feared that that influence, which he rejoiced to hear we were admitted to possess, would not long continue. These were considerations which ought not to influence the public policy of other nations. Then the question came to this—Was England to undertake the conquest of Portugal for Donna Maria or not? That was the whole question. The right hon. gentleman said, that England and Austria ought to have compelled Don Miguel to have executed his office of Regent of Portugal. By what means? There was only one of two courses of action—either complete neutrality, or the conquest of Portugal for the queen. To give advice to Don Miguel, without intending to follow up that advice by force, if necessary, would be very likely to disappoint its effect; to threaten, without executing the threat, would be very inconsistent with the dignity of the Crown of England. To enter into any alliance with Brazil, with regard to the succession of the young queen, would for various reasons, besides our proximity to Portugal, make England the principal in the war, and Brazil an inadequate sharer. It would be difficult to contend that there was any thing in ancient treaties, or any part of our stipulations, which strengthened the claim on England to advance the interests of Donna Maria by arms, or to force upon a reluctant people a sovereign they were not willing to accept. The right hon. gentleman had said, that at Vienna it had been intimated to Don Miguel, by the courts of Austria and England, that if he did not accept the regency on the conditions upon which it was offered to him, he should be detained at Vienna until instructions could be received from Don Pedro. He (Mr. Peel) did not recollect that any such intimation had been conveyed to Don Miguel. He had no recollection as to any intention of forcibly detaining him; and he could assert that England was no party to any such forcible detention. England was merely present by her ambassador. It was, no doubt, an indignity to England, that Don Miguel did not fulfil his stipulations, which had been entered into in the presence of her ambassador. But the question was, whether it were just or politic to make this a ground of war? He deplored, as much as the right hon. gentleman, Don Miguel's non-observance of those stipulations, and his want of faith; but he only contended that

there was no ground for the interference of England by force, still less for adopting a principle of interference which might lead to serious consequences.

Another subject to which the right hon. gentleman had referred, was the blockade of Terceira; and, without entering into all the particulars of that blockade, he should be able to justify the course pursued by government. The right hon. gentleman had lamented that England had respected a blockade established by a *de facto* government. He would merely adduce—as a proof that there was no partiality to Portugal in recognising the blockade—the fact, that when Don Pedro disunited the Portuguese empire, and declared Brazil independent, in defiance of his father, he established a blockade. England, upon that occasion, pursued the same course she had now done. Without pronouncing upon the legality of the government, she respected this act. So, in the present case, without pronouncing on the legality of Don Miguel's government, finding a blockade established, we had respected it, as we had done in Greece and in South America when a blockade was established by a competent force. Then the right hon. gentleman had contended that there was a want of courtesy in not admitting the claims of the respective ministers of Portugal and Brazil. Now, there were three individuals in this country who had taken part in some diplomatic relations—the Marquis Palmella, the Marquis Barbacena, and Count Itabayana. But when the Marquis Palmella was applied to respecting the affairs of Portugal, he declared his functions to be at an end. Surely England could not be expected to recognise a minister, who, when he was addressed upon public matters, declared that his functions as a minister were at an end! With regard to the Marquis Barbacena, he arrived here in charge of the Queen of Portugal, quite unexpectedly. The queen had been sent from the Brazils to Vienna, in order to be placed under her relation the Emperor of Austria. No notification had been transmitted to this country of his intention to send her here. Letters were actually received from Mr. Gordon, our minister at the Brazils, dated three weeks after the Queen of Portugal had sailed, which mentioned no intention of the queen coming to England. It was not until the arrival of the Marquis Barbacena at Gibraltar, that he determined to convey her hither; and it was not too much for the government to ask the marquis, "In what character do you appear?" Still it was intimated to him, that notwithstanding the want of courtesy displayed in not notifying the intention of her majesty, this would not affect the conduct of the government, or cause the disrespectful reception of the queen. But this showed the absolute necessity of ascertaining the character and powers of the marquis. Therefore, he could not think that his noble friend at the head of the foreign department, having to do with three ministers of one state, was in fault if he desired to know their powers before he treated with them.

He would again remind the hon. gentleman, that if Don Miguel did sway the destinies of Portugal, this was not owing to foreign influence; it was owing to the Portuguese themselves. He had been proclaimed king by the Cortes of the kingdom. An insurrection had indeed sprung up, but it had failed. The right hon. gentleman said that it failed through some mistake, and that, if the insurgents had pressed forward to Lisbon, Don Miguel and his mother would have been forced to emigrate. But he (Mr. Peel) held it to be quite unnecessary to discuss these points, or to enquire into the popularity of the king, or the consequences which might have happened if the insurgent general had advanced. Don Miguel was the person administering, *de facto*, the government of Portugal, and he could not think it prudent on the part of England to undertake to displace him, and to dictate to the Portuguese who should be their ruler.

The only other transaction to which the right hon. gentleman had referred in the second part of his speech, was that of Terceira. He would attempt to explain, with as much clearness as possible, the course which the government had pursued in this affair. It was the determination of the English government to maintain a strict and undeviating neutrality in regard to the dissensions of Portugal; and they resolved not to be induced, by any appeal to their feelings, to depart from it. They considered that there had been no sufficient case made out for forcible interference, and they resolved not to interfere. When the insurgents in the north of Portugal were driven to take refuge in Spain, Spain objected to receive them, and England

did interfere to procure them a milder treatment. They, however, determined to repair to England, and applied for leave, which was granted; and a body of from three thousand to four thousand men were received at Plymouth, and continued there for a considerable time. The right hon. gentleman said, that a notification was conveyed to them in November, that the officers were to be separated from the men; that, in consequence, the Marquis Palmella informed the Duke of Wellington of their wish to retire to Brazil, and that on the 23d of December they applied to go to Terceira. The right hon. gentleman's version of this transaction was somewhat different from his. On the 23d of December, an intimation had been given to Marquis Palmella, that England would not permit them to go on a hostile expedition to any part of the Portuguese dominions. But the right hon. gentleman had not stated that, on the 15th of October, two months before the period before mentioned, the Marquis Barbacena had written to the Duke of Wellington to inform him that the government of the Azores had made preparations for the reception of the Portuguese refugees, and that the marquis applied for a conveyance of the troops to Terceira, the largest island of the Azores. The other islands had acknowledged Don Miguel; in Terceira the garrison was in favour of Don Miguel, but there was a strong party in the island in favour of the queen. The answer of the Duke of Wellington, on the 18th of October, was, that England was determined to maintain a neutrality in the civil dissensions of Portugal, and that the king, with that determination, could not permit the ports and arsenals of England to be made places of equipment for hostile armaments. It was intimated to the Marquis of Palmella, that although the government were willing to give shelter to the troops, it was improper that they should continue to occupy Plymouth as a military body, and that they should distribute themselves in the adjoining villages. The answer to this intimation was, that their separation as a military body would relieve the Portuguese government of its apprehensions. Was it to be tolerated, that a power not at war with us should see a force collected in England sufficient to excite apprehensions? The Marquis Palmella was told, that the troops must give up their military character, and become individuals. The answer was, that rather than separate, and destroy their military character, they would prefer going to Brazil. The reply to this was, that we did not wish them to go to Brazil, but we would not obstruct them; and, in order to protect them from Portuguese cruisers, a British convoy was offered and declined. The right hon. gentleman said, that application was made for permission for a body of unarmed men to go to Terceira. But it was necessary that the House should know certain facts relating to the export of arms in that island, which, if permitted, every object they had in view would have been attained. He was sorry to be obliged to state these facts; but it was necessary to the vindication of the government, and those who were implicated in those transactions must suffer. At an earlier period than that mentioned by the right hon. gentleman—namely, the 15th of August, 1828—Count Itabayana had applied to Lord Aberdeen for permission to export one hundred and fifty barrels of gunpowder and a quantity of muskets to Brazil. Lord Aberdeen replied, that he would grant that permission, provided the arms and powder were not intended to be employed in the civil dissensions of Portugal; that if the Emperor of Brazil had determined to attempt to conquer Portugal, England would not interfere; and he therefore required a *bona fide* declaration as to the manner in which the arms and powder were to be employed. Count Itabayana's answer was, that he did not hesitate to give a clear and precise reply, and that there was no intention of so employing them. In consequence of this answer, Lord Aberdeen gave the permission desired; but the arms and powder were, notwithstanding this declaration, instantly transported to Terceira. Therefore, when application was made to the government for permission for the troops to leave this country for Terceira, they said, "We have been already deceived; you profess to sail as unarmed men, but you will find arms on your arrival at Terceira." They did, however, sail, and the right hon. gentleman had asked what right we had to stop them on the high seas? He would tell the House, that they sailed with false clearances, which were obtained at the Custom-house as for Gibraltar, for Virginia, and other places; but the vessels really went to Terceira. Now, he begged the House to consider, and to decide on this statement of the case, and he would ask, whether it were consistent with the character of England to permit a military body

thus to wage war from our ports with a power with which we were not at war? We did not recognise Don Miguel, it was true; but we were not at war with Portugal. We still maintained commercial relations with that country, and had a consul there. It was too much for Brazil to desire to place us in a different situation with Portugal from that in which she was herself placed with that country; for she also had a consul there. We had no reason to believe that Don Pedro meditated a conquest of any part of the Portuguese dominions; and the question was, whether private individuals were to be permitted to carry on hostilities with Portugal from Plymouth? The duty of neutrality was as strong in respect to a *de facto* government as to one *de jure*. It was inconsistent with neutrality to permit an armed force to remain in this country. In addition to the Portuguese troops at Plymouth, three hundred Germans were enlisted in the north of Europe to reinforce them. Was this to be tolerated? When the Portuguese refugees went to Spain, we required that the officers should be separated from the men, and because Spain refused, we prepared to go to war, and actually sent five thousand men to enforce our demand. Was it the policy of England to prevent the dismemberment of the Portuguese empire? In 1825, we stipulated that Portugal should be separated from Brazil; so that motives of policy as well as neutrality called upon us to discourage these attempts, and above all to prevent this country from being made the arena for the designs of other powers. What was to prevent Russia and France from making a similar use of our ports?

He would now leave the House to decide, whether the government of England was not right in preventing its manifest intention being defeated by false clearances and false assurances. These were the facts of the case; and he was satisfied that the character of England had been vindicated by not allowing its ports to be made subservient to such designs. These were the principles upon which government had acted. The officer who had been entrusted with the naval expedition to Terceira, had acted with the utmost forbearance. He gave ample warning; and it was not until a passage was attempted to be forced that he reluctantly fired a shot, which killed one man and wounded another. Having now given the explanations which the right hon. gentleman required, he came to his motion. It was impossible not to acknowledge the forbearance of the House with regard to the discussion of foreign affairs—a forbearance dictated by a sense of the delicacy of interfering with pending negotiations, and prejudging measures; yet he had no hesitation in saying, that he was perfectly prepared to acquiesce in the motion of the right hon. gentleman, and probably the right hon. gentleman, instead of confining it to a call for certain papers, would allow his motion to stand as it appeared in the notice paper—"for copies or extracts of communications concerning the relations between this country and her most faithful Majesty the Queen of Portugal;" and he assured him, that every paper connected with the Queen of Portugal, which it was consistent with the duty of ministers to produce, should be most readily given.

At a subsequent period of the debate,—

Mr. Peel said, that the British government had not recently made any proposition for the completion of the marriage between Don Miguel and Donna Maria, nor had it ever made any such proposition at any time except with the cordial concurrence of the Emperor of Brazil. The moment the emperor intimated an objection to the marriage, all communication on the subject on the part of the British government ceased. No proposition for the renewal of the proceedings would be made unless with the entire concurrence of the Emperor of Brazil.

Lord Palmerston having delivered a long and masterly speech, the motion was eventually withdrawn, after which,

Mr. Peel moved for "Copies or Extracts of communications concerning the relations between this country and her most Faithful Majesty, the Queen of Portugal."—Agreed to.

PARLIAMENTARY REFORM.

JUNE 2, 1829.

The Marquis of Blandford, after an introductory speech, moved the following resolutions on the subject of parliamentary reform :—

"1. That there exists a class or description of boroughs, commonly called close or decayed, in which the returns of members to parliament are notoriously capable of being effected by the payment of money in the way of purchase, and frequently are so effected; and also another class of boroughs, in which the elective franchise is vested in so few electors, that the returns are capable of being effected by the payment of money in the way of bribes to individual electors, and frequently are so effected.

"2. That the existence of such boroughs, and the continuance of such practices, are disgraceful to the character of this House, destructive of the confidence of the people, and prejudicial to the best interests of the country."

The first resolution having been put, it was seconded by Mr. O'Neil.

Mr. Hume said, he conceived that none of the propositions contained in the resolutions could be denied. They had been over and over again proved at the bar of the House, and in evidence before various committees; the allegations advanced in the resolutions were so self-evident, that he did not think it would be possible to find a single member in that House disposed to dispute them. He should certainly vote for the motion.

Mr. SECRETARY PEEL said, he was not prepared to affirm the truth of the allegations contained in these resolutions. Though he differed in opinion from the noble marquis, he was ready to admit the temper and ability with which he had submitted this question to the House; and although His Majesty's government had unfortunately incurred his disapprobation, and though he differed from the noble marquis on this particular question, he begged to assure him that that circumstance did not in the slightest degree lessen the satisfaction which he felt at seeing the noble marquis, the descendant of an illustrious warrior, and the representative of a noble house, bringing forward a measure of this description in such a moderate spirit, and supporting his opinion with an ability worthy of the cause which he had undertaken, and of the name which he bore. This was, however, a subject of such vast importance, that it was obviously necessary that ample time should be afforded for its consideration; and it was plain that, if the House were prepared to affirm the abstract principles of resolutions like those, it should follow them up by some practical measure. Now, he conceived that it would be impossible for the House, even if they were prepared to affirm the allegations of those resolutions, to follow them up by any practical measure at that late period of the session. That was his first objection to this motion. He also objected to the character which these resolutions went to affix upon the small boroughs of this country. If hon. members would even go the length of adopting the charges preferred by the resolutions against the small borough system, would it be fair to give the sanction of the House to such charges, without adopting some remedy for the evil, if evil there did exist in that portion of our representative system? But he was not prepared to affirm the truth of the charges made against the close boroughs. He could not assent to the proposition, that boroughs, where the electors were few in number, were more open to bribery and corruption, than boroughs where the number of electors was great; because he had no evidence whatever of the fact. He could not, therefore, consent to involve in a sweeping condemnation those boroughs where there was a small number of electors. He had no reason to suppose that the trustees of those boroughs had violated the trust reposed in them. But even if, after due consideration, it should appear that any of those boroughs had not honestly exercised their franchise, the noble lord had not stated how he would propose to appropriate the forfeited franchise. The hon. gentleman who had seconded the motion had advocated the necessity of adopting these resolutions now, with a view to pledge the House to the discussion of this important question next session. But if the resolutions were negatived now, the noble lord would not lose the opportunity of having this question discussed next session; and it so happened, by a fortuitous coincidence, that that very night a noble lord had

given notice of a motion for next session, for the purpose of giving the elective franchise to the manufacturing towns of Birmingham, Manchester, and Leeds. So that if there should be no time for debating the question of parliamentary reform this session, ample opportunity would be afforded for the discussion of the subject in the next session. The noble lord, besides, rested his motion upon grounds which he imagined would not meet with the approbation of the advocates of the general measure of parliamentary reform on the other side of the House. The noble lord had attacked the close boroughs as having, in the first instance, been the means of the adoption by that House of the abominable principles of free trade: and, secondly, as having enabled that House, contrary to the sense of the people, to carry the question of Catholic emancipation. Now, those who advocated the general measure of reform, would scarcely support the resolutions of the noble lord on the ground that the close boroughs had contributed to the triumph of a great principle over local prejudices and passions; nor was he aware that the noble lord's objection to the existence of the close boroughs, as influencing the adoption of the principle of free trade, would have a greater weight with those hon. members. If the system of close boroughs had contributed to the triumph of those great principles, such a system should rather be preserved than sacrificed. Even if he could at all bring himself to assent to the proposition of the noble lord, he would object to the period at which it had been brought forward.

After a speech from Mr. Hobhouse,—

Mr. Peel said, that the hon. member had not treated him quite fairly in his observations. The fact was, when he saw the Speaker about to put the question, after the mover and seconder had spoken, and a few words had been said by the hon. member for Wiltshire, he deemed it right, under such circumstances, to make one or two remarks. Now, he would ask, would it have been fitting, when the case stood thus, for him to have entered into the whole of this question, or to have stated what his views with reference to it were? To prove that the House were not ripe for the discussion of the question, he need only refer to the fact that, in the ten minutes' speech of the hon. gentleman, he had entirely mistaken the nature of the motion. The motion was not for enquiry: on the contrary, the noble marquis proposed the utter condemnation of those small decayed boroughs, in support of which the hon. gentleman had made one of his ablest speeches. He hoped the hon. gentleman would not draw any inference, therefore, from what had occurred that evening, as to his impression with respect to parliamentary reform. He thought he had shown that this was not the occasion on which the House ought to proceed to the discussion of such a question; and being of that opinion, he had met the motion of the noble lord with a direct negative.

The House at length divided: For the motion, 40; Against it, 114 Majority, 74.

EAST RETFORD.

JUNE 2, 1829

Mr. H. Fane, after presenting two petitions from the Aldermen and Burgesses of East Retford, moved, "That Mr. Speaker do issue his warrant to the clerk of the Crown to make out a new writ for the electing of two burgesses to serve in this present parliament for the borough of East Retford, in the room of the Hon. Sir R. L. Dundas and W. B. Wrightson, Esq. whose election has been declared to be void."

Mr. Tennyson moved, as an amendment, "That Mr. Speaker do not issue his warrant to the clerk of the Crown to make out a new writ for the electing of two burgesses to serve in this present parliament for the borough of East Retford during the continuance of the present session."

Several hon. members having addressed the speaker on the subject,—

MR. SECRETARY PEEL said, he thought that there would be greater inconvenience in now issuing the writ than in withholding it. When the House had almost unanimously declared that the borough of East Retford was corrupt, and that it deserved punishment of some kind or another it appeared to him very improper to issue a writ, empowering these corrupt voters to return two members to parliament.

He should vote, therefore, for the amendment of the hon. member. It would have been better, indeed, if the amendment had not been put into its present form by the hon. member, and if he had met the question by a direct negative. He was desirous to meet it so; and if the hon. member would withdraw his amendment, and meet the motion by a direct negative, it should have his support. He begged leave to take that opportunity of replying to some charges which had been made against the government, of wishing to postpone every question till the next session. If ever there was a parliament which could be complained of for not doing business, this was not that parliament. He recollected that, at the early period of the session, the complaint made against the government was not procrastination. They were then accused of hastening their decisions beyond what was proper, and of having made up their mind on the questions that were submitted to them, too hastily. He did not think that the charge of wishing to escape responsibility was at all deserved; but it was not extraordinary that the members of government, whose time had been occupied, should desire, when questions were submitted to parliament involving most important principles, which the individuals who brought them forward had mastered by their undivided attention—it was not extraordinary, that ministers should desire to have the recess, in order to make themselves masters of these important subjects.

The amendment having been withdrawn, the House divided on the original motion: For the motion, 44; Against it, 135; Majority, 91.

THE CURRENCY.

JUNE 4, 1829.

Mr. Brougham presented a petition from a respectable body of manufacturers of Birmingham, signed by 8000 individuals, praying for an alteration in the currency, with a view to the reduction of the public burthens.

MR. SECRETARY PEEL, rising after Mr. Attwood, said, that if the hon. gentleman who had just sat down could propose any plan calculated to remove the calamities of the country of which he complained, he should have chosen a proper period of the session to unfold it; but, instead of doing so, he had got up at that late period of the session, and complained in aggravated terms of the evils under which we were suffering, without suggesting any remedy. It was impossible to restore the currency of this country to a sound and healthy state, without producing a great deal of suffering in the country. The currency, after the year 1797, having become greatly depreciated, ministers had no other alternative open to them, but either to leave things as they were, or to do that which would be attended with distress and suffering for years to some classes in the country. Two measures offered themselves to their consideration in 1819—either to leave matters as they were, with a depreciated standard, or to raise the standard by returning to a metallic currency. An equitable adjustment was also proposed then; and it was proposed that the public creditor, with whom a debt had been contracted in a depreciated paper currency, should, upon our returning to a metallic currency, be paid only in proportion to the value of the paper currency in which the debt had been contracted. The first and great objection to this was, that it would be impossible to discover the original creditor; and, in the next place, it would be obviously unjust to adopt such a measure in regard to those individuals into whose hands those funds had subsequently passed, and who might have purchased them in a currency but little depreciated below the existing standard. He hoped never to live to see the time when a restriction upon the Bank would be again found necessary. It would be easy for government, by an issue of paper, to increase the circulation of the country; but what would be the consequences?—that the exchanges would rise, and that gold would be carried out of the country. Let them but once give the power to the Bank to issue paper not payable in gold, and all the consequences which Mr. Hume, in one of his essays on the increase of the currency, had pointed out, would immediately follow. Such a measure would for the moment promote the prosperity of the country; and it was undoubtedly in the power of the government by such means for a time to establish a factitious

prosperity in the country. Such an increase in the currency would, for the time, give a stimulus to trade and commerce; but if he were sure of that, he was still more certain, that such prosperity would not last long, and that the period of unnatural excitement would be followed by a period of languor, and that greater distress and suffering would arise than they had ever before witnessed. It was not necessary to look to the state of the exchanges during the last two months, to see what would be the effect of the issue of a paper currency. The government would, by such means, encourage the departure of gold from this country. It would leave the country; while the Bank would be liable still to pay in gold on demand; and he was convinced, that they never could return to the issue of a paper currency, without relieving the Bank from the obligation of paying in gold. Such an increase in the currency would only in the end increase the sufferings of the country. The government was determined to adhere to the present system; and, for the reasons which he had stated, he never would consent to a revision or alteration of the existing currency of the country. The exports of the country, its imports, and the quantity of exciseable articles, had, during this period, increased. As the consumption of exciseable articles had increased, the receipts of the revenue had progressively increased also. How did the hon. member reconcile these facts to his statement of the total depression of trade and deficient demand? There was a fact which ought not to be lost sight of in looking at this alleged depression, which was the probability that the prosperity of one rising district, such as Manchester, affected perceptibly and injuriously the established manufactures of other districts, having, as it might be called, a monopoly hitherto in that branch of manufacture, such as Macclesfield and Spitalfields. Instead of factories having decreased in number, or the spirit of speculation in this respect being on the decline, the number had sensibly increased every year since 1820, more particularly at Manchester; and, singularly enough, those factories were either silk factories altogether, or factories of goods compounded of silk and cotton, or other material. In 1820 they were fifty-four in number, and they were assessed to the poor-rates of the town at the annual value of £16,816. In 1823 there were fifty-six, and they were assessed at a yearly annual value of £18,293. In 1826, the year in which the Small-Notes bill passed, they increased to seventy-two, and were assessed at £24,000; and in 1828, the year prior to the Small Notes bill coming into operation, they were in number seventy-three, and were assessed at £25,245 annual value. It was true, that during a part of this period some of them were untenanted; but of those tenanted in 1820, there were fifty-two factories, whilst in 1828 there were sixty. How, then, if trade were not progressively increasing, did it happen that the desire to embark in this branch of manufacture had increased from 1820 up to last year? The same disposition to speculate in this branch of manufacture had been displayed in Charleaton-row and Salford, suburbs of Manchester,—the former in 1820 having but five manufactories, in 1828 twelve; Salford having also in 1820 seven factories, in 1828 twelve. It would be absurd to say that this was an evidence of distress in this trade, or a want of incentive to speculate. Yet the hon. member fancied there was, notwithstanding, a cessation of demand for these articles of manufacture. To place the reverse of this argument in the strongest light, it was only necessary to inspect the returns as to the number of looms at work in 1823, which was but two thousand three hundred; whilst in 1828 the number was increased to eight thousand. The information he had on the subject of the silk-trade there was, that the trade was brisk, and that no good silk-weaver was at present in want of employment. Now, were he to hazard an opinion as to the present depression of trade, he should be disposed to attribute it to a variety of causes. Nor was it a singular epoch in the history of our manufactures. Antecedently to 1797, and ere any tampering had taken place with the currency, depression and languor had manifested itself for a time, which was followed by a season of activity. Much was to be attributed last year to the over-productiveness of our manufactures,—to the bad harvest not a little,—to the effect of the American tariff, a measure which, it would seem, had lost its efficacy, in consequence of the activity in smuggling British goods into the United States. Yet though these causes combined to depress trade, prices had recovered, and there was an improvement in the market; nor did he doubt that the vessel would right itself, were it afforded an opportunity. It would, in his mind, be wise not to interfere by the appointment of a committee. He had forgotten to mention, that the

factory system had superseded so much the exercise of manual labour, that extreme distress was suddenly brought on particular classes of tradesmen, whilst the trade itself flourished; and in some instances the machinery was so extremely expensive, that the manufacturers, rather than put it out of play, consented to go on incurring a diminution of profits to the extent of ten per cent., or even more. The excellence of our machinery, and its substitution for manual labour, each day threw many out of employment. This was felt more particularly by the poor Irish at Manchester; who crowded thither whenever they were encouraged to expect occupation, being enabled to come over at the trifling charge of 1s. 6d. a head, to a country which not only gave them work, but allowed them a provision from the poor-rates when ill. Their situation had given considerable concern to the magistrates in that district; and they had very properly, in some cases, admitted their claim to relief from parochial funds. He begged the House, especially as appearances were improving, not to unsettle the public mind on a subject of such vital importance. As a minister of the Crown, and speaking with the deliberation which a person in his situation ought to speak, he would say, that no measure could be introduced which would more directly tend to wound our commercial and manufacturing interests, than to derange the system of the currency of the country.

STATE OF THE COUNTRY—BLACKBURN PETITION.

JUNE 12, 1829.

Mr. Sadler presented a petition from Blackburn, in Lancashire, in which the petitioners complained of the great distress in which they, in common with others of the manufacturing classes, were involved, and entreating the House to cause an investigation to be made into the stagnation of trade under which they suffered.

In the debate which followed,—

MR. SECRETARY PEEL said, he could not help thinking that the presentation of a petition, and one too without notice, was a most inconvenient season for discussing the merits of so important a question as the state of the nation. He should not therefore follow the hon. baronet (Sir R. Vyvyan) through his details; although if the time were a fit one, he was not without ample materials for rebutting the inferences which he had drawn from them. Upon one point he ought to concur with the hon. baronet; whose fault it certainly was not, that he was deprived of a suitable opportunity of bringing forward the motion of which he had given notice. At the same time he was bound to assure him, that it was not his (Mr. Peel's) fault that the discussion did not come on; for he had attended in his place prepared to argue the whole question with the hon. baronet, and he sincerely believed that the circumstance of not making a House on that particular night was purely accidental. The subject, however, had certainly been very fully discussed upon another occasion; so that there ought to be no complaint of a denial of hearing. He was far from denying the existence of distress. In many parts of the country that distress was severe, and was accompanied by great privation and suffering. Particularly in the district from which the petition that had been presented by the hon. baronet proceeded, was the distress great. He doubted, indeed, if any other part of the kingdom had suffered so much from the effect which the introduction of machinery had had on the hand-loom of the weavers, as that district. It was impossible to look at the efforts of the population in that district to live, and at the inadequacy of their wages, without painful commiseration. But he very much feared, that while the existence of severe distress was admitted, it must also be admitted, that, in the complicated relations of society, it was impossible to apply a satisfactory remedy. He was convinced that, on mature reflection, the hon. baronet, the member for Cornwall, would see that the solution of a mathematical problem was a thing entirely different from the administration of practical relief in a case such as that in question. Those persons must not be supposed to be indifferent to the distress, who were adverse to the policy of entering upon the enquiry recommended by the other side of the House. They felt that, unless they could be pretty confident that such an enquiry would be productive of a satisfactory result, it might

aggravate the evil which it was intended to diminish. The hon. member for Aberdeen had declared that there were at least two subjects which ought to be fully investigated before the separation of parliament; namely, the Corn-laws, and the question of Emigration. Now, really, if there were any two topics which had occupied the attention of parliament more than any others, they were precisely those which the hon. member for Aberdeen had described as demanding enquiry. The Corn-laws the hon. member for Aberdeen had himself brought under the consideration of the House but a short time ago, when the subject was fully discussed. The hon. member had himself made a speech on the occasion which lasted three hours and three quarters, and to which he had listened with great attention. The hon. member's proposition was to substitute a fixed duty on foreign corn for the present scale of duties; but the House did not agree with him on the subject. Constant fluctuations on such a subject were most injurious. What advantage could accrue to the country, if, on every question, such as that of the Corn-laws, the legislation were never allowed to be settled even for a single year? Having made an experiment respecting it last year, was it desirable for the House to pledge itself to enter into an enquiry on the subject next year? Were such questions to be always at the mercy of any man who chose to agitate them, and propose that they should be unsettled? If, whenever distress existed in any particular place—distress attributed to machinery, or the importation of foreign wool, or the system of Corn-laws—an enquiry was immediately demanded, there would be an end to all confidence, and no one would venture to embark his capital in any commercial enterprise. He must protest, however, against an unwillingness to enter into such enquiries, being considered as an insensibility to distress. With respect to the existing distress, he must say, that he did not take so gloomy a view of the subject as some hon. gentlemen seemed disposed to take. He could not allow that the capital of the country was daily diminishing. Still less could he allow that our commerce was carrying on by the application of capital from which the capitalist received no return. Such might be the case for a single year; but when he heard the same thing stated for eight or ten years, his answer was, that under such circumstances the capital would be withdrawn. Against the allegation, that the capital of the country had diminished, he would state one strong fact. In the year 1815—a period when the currency of the country was increased by a paper circulation—the rental of the county of Lancashire was valued, for the purpose of determining the contributions to the county rate. That valuation was, he believed, perfectly fair. By some persons, however, it had been considered unfair, and another valuation had taken place last year for the same purpose. The valuation of the rental on land and on the manufacturing establishments of Lancashire, in 1815, amounted to three millions. Last year the valuation (although the improvement in the currency would have a tendency to diminish the nominal amount) was four millions. That fact he opposed to the statement, that the manufactures and the agriculture of the country were carrying on at a positive loss. While he made this statement, however, he admitted the evil of the unequal distribution of wealth in this country, and the general disadvantage which sprung from the accumulation of great wealth in the hands of a few individuals; but this was unavoidable, and emanated from the same cause as the increased production of machinery, which, in its improved condition, became so extensively a substitute for manual labour. In conclusion, it was, he feared, a lamentable fact, that so many causes combined to produce this state of things, that any attempt to legislate, with a view to the correction of any of them by the application of specific measures, instead of mitigating, would aggravate all the evils of which the suffering classes of society complained. The government would, however, give their best attention to the subject.

After several other members had spoken, the petition was ordered to lie on the table.

ADDRESS ON THE KING'S SPEECH, AT THE OPENING
OF THE SESSION OF 1830.

FEBRUARY 4, 1830.

The Earl of Darlington moved the Address on the King's Speech, which was seconded by Mr. Ward.

Sir E. Knatchbull proposed an amendment to be made to the question, by inserting, after the words "any former year," the words, "but that we lament the existence of that distress which his Majesty informs us prevails in some places:—We are, however, in the faithful discharge of our duty, constrained to declare to his Majesty our opinion, that this distress is not confined, as his Majesty has been advised, to some particular places, but that it is general among all the productive interests of the country, which are severely suffering from its pressure:—We beg to assure his Majesty, that we will adopt the caution his Majesty has recommended, in the consideration of such measures as may be proposed to us, and that our earnest endeavours shall be directed to relieve the country from its present difficulties."—The amendment was seconded by the Marquis of Blandford.

Mr. Protheroe moved a second amendment, as follows:—"That an humble Address be presented to his Majesty, to express to his Majesty the thanks of this House for his Majesty's most gracious Speech; and respectfully to inform his Majesty, that being assembled with the deepest impression of the extraordinary duties imposed on us by the unexampled difficulties and dangers of the country, we will direct our instant and earnest attention to those measures best calculated to maintain the dignity and stability of his Majesty's Throne, and to restore this nation to its ancient prosperity and happiness. To assure his Majesty of our undiminished attachment to his sacred person, and of our grateful conviction of his paternal feelings for the sufferings of his subjects; relying upon which, we consider it our first duty to lay before his Majesty a correct representation of the actual state of the country, and of all its leading interests, not concealing those wrongs and grievances which, with the assistance of a faithful parliament, his Majesty will delight to redress.

"To represent to his Majesty, that the measures recommended by his ministers, and adopted by parliament, have failed to restore the country, or to mitigate the calamities under which it is sinking.

"That the tendency of the present political, financial, and ecclesiastical systems, is to accumulate, in few hands, enormous masses of property, leaving the middle classes struggling to support a precarious credit, and the lower, in a degrading dependence for daily food.

"That neither the landowner nor the farmer has been enriched by the Corn Laws, while the bread of the poor is made dear, and the labourer is stinted in his hire.

"That the merchant, the shipowner, the manufacturer, the tradesman, are proceeding in hopeless efforts of industry, without remuneration, notwithstanding the extraordinary inventions of British science and ingenuity, and the increasing demands of extensive countries newly opened to our trade.

"That the peasantry and operative mechanics, with wages or pay barely adequate to the support of life, are hastening to a state of universal pauperism, holding out temptations to the disregard and breach of laws that no longer afford security to property.

"That the pleasures of the rich are purchased by the demoralization of the poor, under the administration of Game-laws, originating in ages of feudal oppression, and pertinaciously adhered to and increased in severity by selfish legislation, whereby the prisons of the country are filled for offences not associated in the feelings of the people with moral guilt or delinquency.

"That by an ill-proportioned system of duties, having no reference but to the supply of a needy Exchequer, the poorer classes are deprived of the wholesome and nutritious drink of their forefathers, and are driven to the use of ardent spirits, alike destructive to their health and morals.

"That the nation is bowed down by a weight of taxation, which has been immoderately increased by laws affecting a change in the currency, made without a due

consideration of the situation of the country, so that it is utterly unable to support the burthen.

"That it is impossible for the people to view, without disgust, the mockery of their distress, by a wasteful, blundering, and jobbing expenditure of the public money, in the erection of palaces and public buildings in the metropolis, alike devoid of taste and utility.

"That the people have a right to complain of the indecent and unjust continuance, in undiminished amount, of various grants, pensions, salaries, and allowances which had been fixed or raised during the suspension of cash payments, upon the express plea and justification of the depreciation in value of money.

"That we receive with grateful satisfaction his Majesty's assurance, that the reformation of the administration of the laws has occupied his Majesty's attentive consideration; and that we will devote our earnest attention to the communications his Majesty may direct to be made on these matters.

"That the tithe system (at all times an obnoxious and unpopular mode of providing for the clergy) is at this season of agricultural distress peculiarly galling in its operation, while the unequal distribution of the revenues of the Church of England and Ireland, and the inadequate provision for those who perform its most active duties, are viewed with serious concern by the friends of the establishment, and afford just cause of scandal to its enemies.

"That the colonial interests of the country are plunged in a state of equal depression and suffering, the prices obtained for the produce of our colonies affording in general no profit in return for the capital, the labour, and the anxiety attending its cultivation.

"In acknowledging to his Majesty our conviction, that a state of national suffering and abuses so great and so general, after a long period of profound peace, and amidst so many elements of political prosperity, cannot have been produced without fundamental errors in legislation and government.

"Finally, to assure his Majesty that, although we cannot but feel how uncertain must be all dependence upon the acts of a legislature which does not, and cannot as now constituted, adequately represent the talents, the sentiments, and the wishes of the country, yet we will not fail, while maintaining the integrity of our admired constitution, to consult in all our deliberations the spirit of an enlightened age, and the just petitions of the people, by decided retrenchment of expense, large reduction of taxation, and by a needful reform, commencing with our own House."

Mr. Alderman Waithman expressed a hope that the hon. baronet who moved the first amendment would withdraw it in favour of that just proposed, which seemed more fully to express what he trusted was the sense of the House, because it was much nearer the truth.

In the debate which followed, MR. SECRETARY PEEL, who rose after Mr. Huskisson, said, he certainly was not surprised to hear his right hon. friend say, that the chief recommendation of the hon. baronet's amendment in his eyes consisted in its being "a milk and water amendment," because when he recollected the votes uniformly given by his right hon. friend, and the doctrines which he had uniformly held, he must say, that the smallest possible infusion of milk in the water was precisely that which would best suit the right hon. gentleman's constitution. [*Hear and laughter.*] The doctrine of his right hon. friend (Mr. Huskisson) had been, on former occasions, when changes were called for, "Beware how you excite fallacious hopes—trust to the native energy—the natural elasticity of our resources, by which we have so often triumphed; and do not risk the permanent interests of the country by rash experiments on the capital and industry of our fellow-subjects." The right hon. gentleman had not only resisted practical measures, but committees of enquiry, lest he should excite false expectations; and now, hearing an amendment proposed, on principles from which he totally dissents, he is, nevertheless, prepared to support it, because he thinks the exposition of facts contained in the amendment better than that in the Speech from the throne. What course did the right hon. gentleman take with regard to the committee moved for to enquire into the state of the currency? He resisted its appointment to the last, lest its appointment should unsettle men's minds, and upon the same principle he resisted the enquiry into the state of the silk trade last session [hear]. However, it would have been more consistent if

his right hon. friend had waited till he heard what specific measures were to be proposed, before he opposed his Majesty's government. It would have been better if he had not endeavoured to raise the expectations of the country, as they must be raised, if we admitted the existence of universal distress, and dissented from the Speech from the throne, stating that his Majesty's ministers had been misinformed—that all our interests were suffering under no ordinary pressure, and that we would direct our efforts to provide relief. Depend upon it, if you vote the amendment now proposed, and if it shall turn out that your efforts to relieve the distress are vain, you will have done more harm than good, and you will have raised expectations which it will be impossible to fulfil. The amendment was not correct; the expressions contained in it narrowed the sentiments of the King's Speech instead of extending them; it spoke of distress "in particular places;" the Speech mentioned "some parts of the United Kingdom" as being distressed, a wider and more comprehensive expression. As to the omission of certain topics in the Speech, and among the rest, the omission of all mention of Ireland, he certainly did think, that after the completion of that measure in which Ireland took such a deep interest—after that country had been placed on a footing of equality with the rest of the empire,—there existed no necessity for making special mention of a part of the kingdom which had no longer any thing to distinguish it from the remainder. Since the passing of that measure it might be said of the two countries—

"paribus se legibus ambæ
Invictæ gentes æterna in fœdera mittant."

The quotation had been applied by Mr. Pitt to the expected effect of the Union, and certainly it was not less appropriate when used with reference to the measure recently accomplished. Under such circumstances, it might fairly be said, that the time had arrived when we might consider the condition of Ireland the same as that of the other parts of the united kingdom, and, except the occurrence of special circumstances required it, Ireland need not be particularly mentioned. It was now to be looked upon as England or Scotland. He would say, however, that the condition of Ireland was now much better and more satisfactory than it had been previous to the last session of parliament. An hon. gentleman had drawn a comparison, unfavourable to the latter, between the American President's Message and his Majesty's Speech. Whatever might be that gentleman's satisfaction at the tenor of the American message, his was as great. The manner in which England was mentioned by the president, gave his Majesty's government, in common with all other classes of their fellow-subjects, the sincerest pleasure; and he was glad of that opportunity to repeat the expressions of amity and friendship used by that distinguished man when speaking of this country. His words were these:—"With Great Britain, alike distinguished in peace and war, we may look forward to years of peaceful, honourable, and elevated competition. Every thing in the condition and history of the two nations is calculated to inspire sentiments of mutual respect, and to carry conviction to the minds of both, that it is their policy to preserve the most cordial relations. Such are my own views, and it is not to be doubted that such are also the prevailing sentiments of our constituents." He re-echoed these sentiments:—May all the competition between the two countries be the competition of industry, civilization, and peace!—May the foolish sentiments of individual hostility entertained by some in both countries, gradually vanish before the influence of good sense and right feeling; and, as both nations possess a common language, and are derived from a common source, may they be united in lasting relations of good-will and amity! He gladly took this opportunity, on the part of the English government, of re-echoing, with respect to America, those kindly sentiments which her president had expressed towards us. But in contrasting the two Speeches, the hon. gentleman began by complaining of the mention made in his Majesty's message of so notorious a fact as the termination of hostilities between Russia and Turkey. As his Majesty had announced to parliament the breaking out of the war between these powers, it was proper that he should mention its termination. The hon. gentleman also complained of our treatment of Don Miguel, and spoke of the supposed feelings of America if she had received such a Speech as the English parliament had received on the subject. But the fact was, that the American President recognised Don

Miguel, as was apparent from this passage of his Message: "During the recess of Congress, our diplomatic relations with Portugal have been resumed. The peculiar state of things in that country caused a suspension of the recognition of the representative who presented himself, until an opportunity was had to obtain from our official organs their information regarding the actual, and, as far as practicable, prospective condition of the authorities by which the representative in question was appointed. This information being received, the application of the established rule of our government in like cases was no longer withheld" [hear, hear]. The hon. gentleman attributed all our distresses to misgovernment, and to defects in our representative system; but unfortunately for his hypothesis, the same distress which we complained of in England existed in America, where the representation was constructed on the basis of universal suffrage [hear]. What said President Jackson on this subject?—"No very considerable change has occurred during the recess of Congress, in the condition of either our agriculture, commerce, or manufactures. The operation of the tariff has not proved so injurious to the two former, nor as beneficial to the latter, as was anticipated. Importations of foreign goods have not been sensibly diminished, while domestic competition, under an illusive excitement, has increased the production much beyond the demand for home consumption. The consequences have been low prices, temporary embarrassment, and partial loss. That such of our manufacturing establishments as are based upon capital, and are prudently managed, will survive the shock, and be ultimately profitable, there is no good reason to doubt." With respect to the amendment, during the last thirty years there had been no occasion upon which an amendment to an Address had been carried;—that in nineteen years out of the thirty no amendment was proposed;—and that the present was an Address in respect of which no objection could be made, with the exception of the omission of two or three topics. A gentleman complained of the policy of late governments in adding to the House of Peers; but from this charge the Duke of Wellington, who had made only one peer since he became prime minister, was free. The Speech stated the increase of exports in the last year; and it was said we inferred from thence that our trade and commerce were in a flourishing condition. But we inferred no such thing; we only stated facts; and, notwithstanding the increased exports, his majesty regretted the prevalence of distress in some parts of the kingdom. It was said ministers had not stated facts correctly, and that they were indifferent to the distress, because they recommended no remedy. Where was the proof that the Speech from the throne mis-stated facts? Was the House prepared at once, without enquiry, and without the necessary information before it, to sanction by its vote the allegation made in the amendment of the hon. baronet, that the distress was universal, and existed throughout all parts of the country? The hon. baronet's amendment stated that all the productive interests of the country were suffering severely under a general depression. There was no qualification whatever in the statement. Was the House prepared, in the face of Europe, to sanction such a statement? [hear]. "Distress exists in my own neighbourhood," argued the hon. baronet and those who support him, "therefore I am bound to conclude that the distress is universal amongst all the productive interests of the country." Should not the House pause before it founded a statement as to such an important matter upon evidence of such description? Should not the House pause before it took for granted any such statement, the more particularly when it found this important fact mentioned in the Speech from the throne, namely—that the exports of British produce during the last year had far exceeded those of any former year? It was rather extraordinary, with such a gratifying statement in his majesty's Speech, to find an amendment proposed, which declares, that all the productive interests of the country are labouring under severe depression. The House should therefore hesitate before it adopted such a proposition [cheers]. But it might be said, that this was no proof of the prosperity of the country, and perhaps it would be added, that all these exports were sold at a loss, and that no return was made from them. But was it to be supposed that, year after year, from the year 1819,—for that was the period from which the distress was dated,—was it to be imagined that year after year, from that time, the manufacturers of this country had continued manufacturing and exporting at a positive loss?

[hear] Was it probable that such a thing could have occurred? But then it was asserted, that let the amount of our foreign exports be what they might, our home market was depressed; and that while an increase had taken place in our exports to foreign countries, a great and corresponding decline had taken place in our home consumption. He would at once meet and deny that assertion [hear]. No corresponding decline in our home consumption had taken place at all, to be put in contradistinction to the increase in our foreign exports. The allegation was, that the distress existed universally throughout England, Ireland, and Scotland. He held in his hand returns to disprove to a great extent the truth of that assertion. He was compelled to refer to matters of detail to furnish arguments to induce the House to pause before it adopted the proposition of the hon. baronet. He was prepared to show, from documents in his possession, that there had not been the falling-off that had been stated, in the internal consumption of the country. He had been furnished with comparative statements of the amount of tons carried, and of the tonnage duties received, upon the principal canals, for a certain number of years; and the important fact which they established should be well weighed by the House before it pledged itself to the opinion of the hon. baronet, so contradictory as it was to the statement made from the throne. These statements exhibited a comparative increase year after year in the amount of business done on the principal canals. He would take a cipher as the foundation of his respective statements, which would furnish no indication of the comparative business of one canal compared with that of another; but which would actually show at the same time the general increase of business done on those canals, proving an increase in the internal consumption of the country. These returns commenced with the year 1820,—that year when the bill which he (Mr. Peel) would never disclaim, though so much obloquy had been thrown upon it—he meant the bill for regulating the metallic standard, and restoring the currency, took effect. He had expressly desired that they should be made out that year, for he well remembered, that when that bill came into operation, prophecies without number were propounded, that the commercial transactions and concerns of this country were so complicated and so multiplied, that any attempt to carry such a measure into effect would tend to cramp and depress the energies of the country. He was ready to take his stand by what had occurred in our foreign trade; but he would fortify himself by proofs of an increase also in our home consumption. The returns which he had procured were from the Forth and Clyde canals, from the Duke of Bridgewater's Canal, from the Grand Junction Canal, from the Kennet and Avon, and from the Berkeley and Gloucester Canals. In the year 1820, the amount of tons on the Forth and Clyde Canal was three thousand two hundred and ninety; in the year 1821, four thousand and twenty-eight; in 1822, four thousand four hundred and sixty; in 1823, four thousand eight hundred and seventy-four; in 1824, four thousand eight hundred and seventy-four; in 1825, five thousand eight hundred and four; in 1826, five thousand seven hundred and fifty-eight; in 1827, five thousand eight hundred and eighteen; and, in 1828 (the last year to which the accounts were made up), five thousand nine hundred and seventy. Thus, in the year 1828, the amount of tons was five thousand nine hundred and seventy, while the average of the eight preceding years was four thousand eight hundred and forty-three, giving an increase in the year 1828 to the amount of one thousand tons upon this canal. Upon all the other canals a similar progressive increase had taken place in their business, from the year 1819 till the year 1828. On the Duke of Bridgewater's Canal, in the year ending the 1st of January, 1830, the average amount of tonnage was one thousand five hundred and eighty-six, while, in the year 1829, the average was one thousand one hundred and fourteen; so that it appeared that the average amount of tonnage on that canal for the last year exceeded that of the former year by nearly five hundred tons. It might here be said that though the tonnage had increased, the tonnage duties had not. Now, he had expressly enquired as to the amount of duties received, and this was the result. Upon the Grand Junction Canal, the average amount of the tonnage duties received for the eight preceding years was £8,606, last year the average had risen to £9,000. On the Grand Trunk Canal, the average of the eight preceding years was £8,001, last year it had risen to £14,049. Upon the Kennet and Avon the average for the

same period was £1,699, last year it amounted to £2,190. The average amount of tonnage duties upon the river Avon for the same period was £1,547, last year it had amounted to £1,706. The average amount upon the Berkeley and Gloucester Canal for the seven years preceding 1828, was £1,069. It had increased in 1828 to £2,235; and last year, to £2,360. Here, on this canal, the average was more than doubled in the course of two years. These facts should induce the House to pause before it sanctioned the statement that universal irremediable distress prevailed throughout the country. These facts applied to England; but let the House recollect, that if any part of England, Scotland, or Ireland should be proved not to have been subject to the depression spoken of, the statement of the hon. baronet must fall to the ground. Now, with regard to Ireland, an hon. gentleman said, that great distress prevailed in the city of Dublin. He was ready to admit that distress did exist in the Liberties of that city, but as long as he had been acquainted with Ireland he never knew a period when the manufacturers in that irreclaimable part of Dublin were not in distress,—so much so, that scarcely a year passed without appeals being made on their behalf to the charity of the public. No doubt distress prevailed in Ireland, and God grant that some measure might be devised to remedy it; but was there any proof before the House, that the agricultural interests of Ireland were suffering under universal distress and depression? Could it be said that universal distress existed amongst the agriculturists of Scotland? He doubted that such was the fact; and before the House asserted it, he would call upon it to employ due precaution in forming its opinion. He would maintain that the Address, in answer to the Speech, gave a truer description of the state of the country than the amendment proposed by the hon. baronet. It was perfectly consistent, on the part of his majesty's ministers, while they felt sincere sympathy for the distress which did exist, to be extremely cautious as to the adoption of rash experiments with a view to its alleviation [hear]. The distress which did exist had originated in causes over which government had no control; and it should be borne in mind, that it was not exclusively confined to the dominions of his majesty. The agricultural interests had also experienced similar depression in America and in other countries. In France, for instance, the distress had been in many places as severe as in any part of this country. In parts of the United States, the distress had been equally as great as with us. In Russia, at this moment, a proclamation had been issued for lowering the rate of interest, with a view to remedy the agricultural distress prevailing there; therefore the causes whatever they might be, which had operated to produce this distress were not confined to this country. Great weight was certainly due to the effects produced by unfavourable seasons. He believed that the expense incurred by the agricultural interest, both in cultivating the soil, and collecting the harvest, had never been so great as in the last two years, owing to the extreme wetness of the seasons. That was sufficient to account in some degree for the depression experienced by the agricultural interest; and, besides, he did not think that due weight had been assigned to the effect of the importations from Ireland. That was a cause beyond remedy or control. Ireland was fairly entitled to a free access to the markets of this country, and no man would be mad enough to propose to restrict the importations from that country. He held in his hand an account of the amount of importations from Ireland into the port of Liverpool during the last year. During that period there had been imported into Liverpool from Ireland, forty-nine thousand oxen, thirteen thousand calves, eighteen thousand pigs, one hundred and eleven thousand sheep, one thousand three hundred lambs; and the total value of agricultural produce thus imported amounted to £1,270,000, exclusive of corn [hear]. It was impossible to deny that such immense importations from Ireland had the effect of depressing the agricultural interests of this country. The same argument applied to Scotland. The Crown, he therefore conceived, was quite justified in entreating the House to use extreme caution before it should attempt to remedy, by legislative interference, the distress that existed. The ministers had been taunted as if they were influenced by a species of false pride, as if they were so determined to adhere to declarations formerly made respecting the currency, as blindly to close their eyes to the real distresses of the country. It was said, that they were afraid to expose themselves to the charge of inconsistency, and this followed close upon the charge which had been made against them from the same quarter last session, when

they were accused of departing from those principles to which they stood pledged, in bringing forward a measure, which they had uniformly opposed. It was then said, that they were actuated by a corrupt desire to maintain themselves in office, and the charge now was, that they were so wilfully and perversely determined to adhere to the present currency system, that they would hear of no change in it whatever. Now, he would say upon this occasion, as he did when assailed by a contrary charge last session, that he was ready to abandon his opinions respecting the currency, to which he was supposed to be so unalterably pledged, if he could bring himself to believe that his so doing would be productive of any real and permanent benefit to the interests of the country [hear]. It was no imputation on the part of a public man to recede from opinions which he had maintained, when he found others better adapted to the circumstances of the country. From his experience of public life, he was never more convinced of anything than of the arrogance of binding one's self to any set of opinions respecting matters of this nature [hear]. To him it appeared much better to act upon the principle avowed by the hon. baronet who had proposed the amendment, and to look at every measure solely in reference to its merits, uninfluenced by the ties of any party, or by any preconceived opinions on the subject. He was ready to adopt that principle; he should be always ready to abandon opinions when proved to be wrong; and, on the contrary, he should always support those which he conceived to be right. As he said before, he could not see any imputation on the part of a public man in receding from those opinions which he had hitherto maintained, when the interests of the country called upon him to do so. Now, with regard to the currency, after the best deliberation which his majesty's ministers could give to the subject, they were determined to adhere to the present system, being convinced that if any error had been committed in establishing that system, we should only be exposed to still greater evils than those we had suffered by again doing any thing to unsettle the currency of the country [hear]. His majesty's ministers were not indifferent to the distress in the country; they did not deny that distress existed, they were not wanting in sympathy on account of its existence, nor in a sincere desire for its alleviation; but at the same time they were determined to adhere to a cautious policy in dealing with it. He would warn the House to beware of making rash experiments. It was because his majesty's ministers believed that any rash experiment with the currency would, while it might possibly give some immediate benefit, only be productive of more permanent evils than those from which we had been relieved, that they had come to the determination of maintaining the present system, and exposing themselves to whatever obloquy might be attached to the course which they had resolved to pursue [hear, hear].

On a division on Sir E. Knatchbull's amendment, the numbers were, Ayes, 105; Noes, 158; majority against the Amendment, 53.

The Address, as proposed by the Earl of Darlington, and which was as usual an echo of the speech, was then put and carried.

EAST INDIA CHARTER—LORD ELLENBOROUGH'S LETTER.

FEBRUARY 5, 1830.

Mr. Spring Rice having presented a petition from the county of the city of Limerick, against a renewal of the East India Charter, requested information from Mr. G. Banks, respecting a certain letter which had recently appeared in the public prints of this country, stated to have been received by an official individual in India, from the noble President of the Board of Control (Lord Ellenborough), and which letter contained statements of the utmost importance respecting the administration of justice in India, and the intentions of His Majesty's government with regard to the renewal of the East India Company's Charter.

Mr. Banks, in giving the information required, to the extent of his power, said he had understood from the noble lord, that the letter in question was written in the shape of a strictly private and confidential communication from him to the individual to whom it was addressed, and that it was never intended to meet the public

eye. Sir John Malcolm had since expressed his deepest regret that it should have come before the public, and had stated, that a deliberate and shameful breach of confidence was the only means by which such a document could have been brought before the public.

In the course of a desultory conversation on the subject,—

MR. SECRETARY PEEL said,—Different versions had been circulated in India of this letter, which he understood were very different from the one published in this country. He had asked his noble friend respecting it when the letter was published here. The noble lord acknowledged that he had written a letter of that description, but he could not say whether that were a correct copy of it, and it was moreover a letter written hastily, and inadvertently. He did not mean to say, that a public officer had a right to write letters to public functionaries upon public subjects, and afterwards to screen himself from animadversion on the plea that his letters were private [hear]. In such a case, a public officer might produce copies of despatches which he had transmitted to a colonial functionary, while at the same time he had given in private letters very different instructions to the same individual. But the case was different where a public officer, as in this instance, writes a private letter hastily and inadvertently; and the expression which occurred in this letter as to the wild and tame elephants, was sufficient to show that there existed no deliberate intention on the part of the writer to interfere with the independence of the judges. In this case no doubt, his noble friend had written a hasty letter, and no such inference should be drawn from such a letter, as that any intention existed on the part of the government to control the independence of the judges in India [hear]. If such a construction should be put on his noble friend's letter, no man would regret it more than his noble friend. He was not prepared to admit that the copy published of this letter was a correct one, as there was no means of ascertaining that at present; but he would only submit, that the whole tenor of his noble friend's official conduct should free him from the charge of seeking to lessen the independence of the judicial bench in India. The expression as to the wild and tame elephants was but a hasty and inconsiderate joke hazarded in a private letter, and it should not be set against the public tenor of his noble friend's life.

REPORT OF THE ADDRESS ON THE KING'S SPEECH.

FEBRUARY 5, 1830.

The Earl of Darlington having brought up the report of the committee appointed to prepare the Address, Lord Palmerston spoke at some length respecting the foreign policy of the country.

MR. SECRETARY PEEL said, he agreed with his noble friend, that this was not the fit occasion for entering on so important a subject. In the first place, its importance entitled it to separate and serious consideration; and as his majesty had stated, that when the proper time arrived, the necessary documents would be laid before the House, he did not think it right, in the absence of such information, that any discussion should be provoked. By approving of the Address, no gentleman pledged himself in any degree to approve of the course taken with respect to our foreign policy. By agreeing to it, no one would be precluded from hereafter expressing his opinion on that foreign policy. With respect to his noble friend's policy—that policy which his noble friend advocated so ably and so eloquently—it would, if adopted, involve the country in war [hear]. The noble lord took the same course last session. His noble friend did not exactly avow that such was the scope of his policy; but he was certain that if the doctrine his noble friend maintained, with respect to foreign governments, were acted on, in six months this country and all Europe would be involved in general war [hear]. The policy of the present government had this recommendation—that it had maintained peace and secured peace consistently with the preservation of the power and the honour of England [hear]. His noble friend had made an allusion with respect to the necessity of preserving Turkey, on account of the wellbeing of Europe. He (Mr. Peel) apprehended that, in the present situation of Europe, the integrity and independence of so great a

power should be supported; but those who held that doctrine did not, therefore, approve of the system of government by which the internal affairs of Turkey were regulated. Did his noble friend recollect, that it had been an object of great interest with reference to the state of Europe, to guarantee the integrity of Turkey? Did he recollect that in 1799 this country did guarantee the integrity of Turkey? Mr. Pitt, who then presided over the destinies of this empire, did not take that step because he admired the government of Turkey, but because he thought that the dismemberment of such a power would be attended with disastrous consequences. Now they might entertain fears of the consequences that would ensue from the dismemberment of any portion of Europe; but were they on every occasion of that kind to act with Quixotic feeling and immediately to proceed to war? When Turkey gave Russia a fair justification for hostilities, on what account could we interfere? His noble friend asked, "Why did you not before the termination of the war, or before it had broken out—why did you not counsel concession?" That was exactly what ministers did. The government asked Turkey to do that which Russia had a right to compel her to do—namely, to fulfil a treaty; but Turkey had no right to expect that we should espouse her cause by going to war on account of the caprices of the divan. The interference and proffer of advice and good offices only could be required. His noble friend had asked, why that advice was not offered sooner? Now, his noble friend was in the cabinet at the time, and he must know that ministers had not an opportunity of giving it. He must be aware that some time previously to the breaking out of the war, our ambassador was removed from Constantinople; and therefore we had not the means of conveying the sentiments of this government; but, by every mode in which that advice could be given, it was imparted to Turkey. The success of the Turks in the first campaign did not alter the views of ministers. After that campaign, which Turkey thought a complete failure on the part of Russia, our advice to Turkey was, to do that at a period of victory which she ought to have done before it. That advice was rejected; and whatever his noble friend's idea might be, he thought that those who refused at that time to go to war for Turkey, acted for the real and permanent interest of this country. As to Greece, (continued Mr. Peel,) my noble friend says he hopes to see the treaty of London carried into full effect. I can assure him, that in the course of events that have followed, we have laboured diligently in the strict execution of the treaty, and in no instance has there been a deviation from that treaty, unless it were in favour of Greece. He will find this statement fully borne out by the official documents. My noble friend intimates that, in the present state of Turkey, one island or another valley are of very little importance to her, and may be granted to Greece. My noble friend's principles seem somewhat lax here: it may be a convenient doctrine to apply to a great power in an abject state; but we have never aided Greece in any measure not in conformity with those principles of honour and justice which we have always regarded. With respect to Portugal, my noble friend has only repeated what he urged last session; but his advocacy meant, if any thing, "Go to war for the purpose of dispossessing Don Miguel." But if the population of the country cared nothing about the possessor of the throne, why were we to interfere? If, at the period that may be selected, we should determine on his recognition, it will be a pure question with relation to the treaties between the countries. In his majesty's speech it is said there are some parts which evidently contemplate the recognition of Don Miguel. I have never concealed my opinion of the conduct of Don Miguel. He did not keep the faith he plighted to this government. But it is an important question, whether his personal character will alone justify us in refusing to recognise him? Don Miguel practically exercises the powers of government in Portugal, and his rule takes place apparently with the general consent; every attempt to dispossess him has failed; at an early period he called together the ancient Cortes, and had their assent to his accession. This was a body venerable for its antiquity, and its decision gave his title a sanction in the eyes of the people. They looked on that decision as the expression of the general will. The island of Terceira is a military garrison, which has declared for the young queen Maria; but it is a small island, far detached from Portugal, and not in the slightest degree influencing that kingdom. Would that fact authorize us to force a sovereign on the people of Portugal? We desire that she may ascend the

throne in obedience to her father's will; but if the people of Portugal will not support her claim, it must fall to the ground. There were great doubts whether Don Pedro had the right to give the crown to his daughter; and all the Portuguese lawyers have decided in favour of Don Miguel. Higher considerations than those of mere personal character must rule the course of policy which a country like this will follow. We are not authorized to force a rejected sovereign on any country. Don Miguel is in no shape subject to our authority. If we once commence a "war of opinion," we can never circumscribe its course. My noble friend, however, is so anxious, that he asks in reality why we have not fitted out an armament to prevent Spain from invading Mexico? Now, really, he must take leave to say, that if the principle of interference required by his noble friend were to be carried into full operation, it would involve this country in wars with almost every nation with which it was allied or bound by treaties. The noble lord had, however, asserted that the government of this country should have interfered to have prevented the invasion of Mexico by the Spaniards from the island of Cuba. Now, he recollected very well that his right hon. friend (Mr. Canning), at the time he put forth those able and powerful state papers, which were demanded from him in the fulfilment of his duty as Secretary of State for Foreign Affairs, always admitted the right of Spain to fit out and undertake any expedition she pleased for the conquest of her colonies, although he denied to other nations the right of interference, which might be exerted, not for the purpose of reassuming the legitimate authority of the parent state, but for the purpose of assisting either party as it might suit their interests to obtain an advantage over the other. This he was satisfied was the tenor of the principle laid down by that right hon. friend, and recognised by the House. But then the noble lord asserts, that although the right of interference was not exercised by the government to protect Mexico from the Spaniards, it was exercised on a former occasion to preserve Cuba from the attacks of the Mexicans [hear]. Did the noble lord, however, not understand that there might be some circumstances so peculiar, and some considerations of such overwhelming importance, with regard to the connexions and relations of England with the isle of Cuba, as to justify a great departure from the rules which governed other portions of her policy, and not to be defended on general principles [hear]. The noble lord ought to have a thorough understanding of every thing connected with the peculiar situation of this country and Cuba before he ventured to illustrate his argument by a reference to the case of Cuba. On every other occasion, he repeated, that the government had invariably governed itself by the principles which it had recognised; and although they had not, as the noble lord seemed to think they were bound to do, gone to war for the purpose of preventing every act of which they might disapprove, yet he trusted it would be found that they had not done any thing to forfeit the character or compromise the honour or station of the country. He should conclude with observing, that he should not enter further into the various topics connected with our foreign policy, because the Address did not pledge the House in any manner to approve of or adopt it; and if hon. members would but suspend their opinions until the papers connected with it were before them, they would have ample opportunity of expressing their opinions on its soundness and propriety [hear].

The Marquis of Blandford proposed, as an amendment, that the following words be added to the end of the Address:—"That this House feels itself called upon, in the awful and alarming state of universal distress into which the landed, commercial, and all the great productive interests of the country are at this moment plunged, to take care that your majesty shall not be the only person in your dominions ignorant of such an astounding fact, as well as of the consequent impending danger to the throne, and other great national institutions, established by the wisdom of our ancestors, for the protection and benefit of the people over whom your majesty has been called to preside.

"That this House is at no loss to indicate the real cause of this most unnatural state of things, and, in justice to your Majesty and the whole nation, it can no longer hesitate to proclaim that cause to the world.

"It is a fact, already too notorious, that this House, which was intended by our ancient and admirable constitution to be the guardian of the nation's purse, has, from causes now unnecessary to be detailed, been nominated, for the greater part,

by a few proprietors of close and decayed boroughs, and by a few other individuals, who, by the mere power of money employed in means absolutely and positively forbidden by the laws, have obtained a domination, also expressly forbidden by act of parliament, over certain other cities and boroughs in the United Kingdom.

"That in consequence of this departure from the wisdom of our ancestors, the nation has been deprived of its natural guardian, and has, in consequence, become so burthened with expensive establishments of all kinds, that, in a period much shorter than the life of man, the taxation has increased from nine millions to nearly sixty millions a-year; and the poor-rates, or parochial assessments during the same period, have augmented from one and a half millions to eight millions annually.

"That to render such a mass of taxation, so disproportionate to the whole wealth of the kingdom, in any degree supportable, recourse has been had, either from ignorance or design, to the most monstrous schemes in tampering with the currency, or circulating money of the country; at one time by greatly diminishing the value of the same, and at another time by greatly augmenting such value; and at each and every of such changes, which have been but too often repeated, one class of the community after another has been plunged into poverty, misery, and ruin; while the sufferers, without any fault or folly of their own, have been hardly able to perceive from what hand these calamities have come upon them.

"That, under such circumstances, and with this knowledge before its eyes, this House would consider itself lost to every sense of duty towards your majesty, and guilty of treason towards the people, if it did not seize this opportunity of declaring to your majesty its solemn conviction that the state is at this moment in the most imminent danger, and that no effectual measures of salvation will or can be adopted until the people shall be restored to their rightful share in the legislation of the country; that is, to their undoubted right, according to the true meaning of the constitution, of choosing the members of this House."

Mr. O'Connell seconded the amendment.

Sir Francis Burdett having spoken at some length, and the Marquis of Blandford having persisted in pressing his motion to an immediate division,—

MR. SECRETARY PEEL said, he did not rise to provoke discussion on a question of such importance. Differing entirely from the hon. baronet in the view he took of the merits of the question, yet he cordially concurred with him in thinking that the time chosen for its discussion was most improper. Whatever might be the opinions of members on the merits of the question, all agreed that it could not then be properly discussed [hear, hear]. He rose principally to express his regret that the rule generally laid down for their proceedings—of not remarking on what had passed elsewhere—should have been departed from. He regretted that the hon. baronet should have referred to any thing that had occurred in the other House. He conceived that what had fallen from the hon. baronet must have proved the expediency of the rule of not making any such remarks, for he could not break through it without committing injustice, and without attacking a person who was not present to defend himself. The noble baronet, unintentionally he was sure, had misrepresented the observations of his noble friend in another place. He was satisfied that his noble friend never meant to impute the general distress to the use of machinery and the application of steam to assist labour [hear]. His noble friend, he was satisfied, did not mean to say that the distress was caused by those improvements which were the great elements of all our general prosperity [hear]. He believed his noble friend, lamenting that distress, had never attributed it to scientific improvements, which his noble friend was satisfied were the cause of our commercial and manufacturing greatness, and by which alone that greatness could be preserved. But his noble friend had probably lamented that the use of these improvements should have in some cases caused partial distress. His noble friend probably alluded to the effects of introducing the power-loom. His noble friend, at the same time that he imputed our manufacturing improvements to the discovery and employment of new agents and new powers, yet regretted that these improvements could not always be introduced without diminishing the demand for labour. Was it fair to say of the prime minister, that he imputed the distress of the country, of the agricultural, commercial, and manufacturing interests, to the improvements and discoveries of

science? No; he rejoiced in those improvements, and he felt their immense importance to the manufacturers of this country.

On a division, the Marquis of Blandford's amendment was negatived by 96 against 11; majority, 85.

MEXICO—CUBA—SPAIN.

FEBRUARY 8, 1830.

Sir Robert Wilson having put some questions respecting the conduct of the English government between Spain and the states of Colombia and Mexico,—

MR. SECRETARY PEEL said, he could assure the hon. gentleman that on this, as upon every other occasion, it was his desire to answer any question put to his Majesty's Government in that House respecting the foreign policy of the country, as frankly and as clearly as was consistent with the general interests of the State. But he felt the questions now put to involve a point of such deep importance, that the House would excuse him if he did not content himself with giving a simple answer to the questions of the hon. gentleman, but enter into a short explanation of the facts, and of the intentions and policy of the government. When a noble friend of his on a former night put a question to him upon the same subject, he answered it upon the strength of his recollection; and if he then fell into any mistake as to the occurrences which had been referred to, he was sure the House would readily pardon him when they considered that seven or eight years had intervened since they took place, and since any circumstances had very particularly required him to refer to the several documents. But in the interval since that discussion he had referred to the documents, and found that his recollection upon all the substantial points was correct. He had stated his impression of the facts to be, that in the year 1823, Mr. Canning, then being Secretary of State for Foreign Affairs, made a public declaration that England would not resist any attempt made by Spain to re-establish her power and authority over her revolted colonies. He declared that England could not interfere in any contest that might arise between the mother country and the colonies; but, at the same time Mr. Canning avowed that England would not recognise the right of any other foreign power to ally herself to Spain for the purpose of aiding her in such an attempt; that if it were made by the mother country, and by her own resources, then that this government would not interfere, but observe a strict neutrality between the contending parties. His noble friend had said that something more was added, about the difficulty of maintaining a strict neutrality; and it had been further asserted that Mr. Canning prohibited any counter attempt upon Cuba on the part of the South American States. His answer to that was, that if any prohibition were issued by Mr. Canning, prohibiting Mexico from attacking Cuba, he was confident that it had been made upon some peculiar ground, involving perhaps the common interests of humanity, or some particular and paramount interest of this country. Though there was no record of a particular conference that had been referred to, he found upon examining the records of these transactions, that that view of Mr. Canning's motives had been the true one. In the notes of a conference between Mr. Canning and the Prince de Polignac, which took place on the 9th of October, 1823, he found that Mr. Canning made this important declaration: "That the British government would not only abstain from interfering to prevent Spain from resorting to any negotiations for the recovery of her colonies, but would aid her in such negotiations; and in any case be strictly neutral, even if war should be resorted to by Spain herself. But that if Spain should form a junction with any other foreign power that should aid her in the war, then that the British government would consider another case to have arisen, and its conduct would be influenced by other views." This was the ground taken by Mr. Canning, and he referred with pleasure to another part of the document, in which the Prince de Polignac, on the part of France, disclaimed in any case the intention of joining in hostile measures against the South American colonies. Thus far the declarations of Mr. Canning on the question were in their possession. He had no recollection of any others, and there was no record of any such prohibition as that

which had been alluded to; the strictest search had been made but no record could be found. If any such had been made, the probability was, that it had been verbal; and of this he was certain—that it was made as an exception to the general rule, and justified by some peculiar considerations growing out of the circumstances of the case, either relating to the common interest of humanity, as he had said before, or to some paramount considerations of state. He had said that there was no record of the act, or of the motives which dictated it; but if Mr. Canning did make such a prohibition, he should think it rather referred to the manner in which the war was likely to be carried on. This he was bound to state in justice to the memory of Mr. Canning: so strongly did Mr. Canning feel the desire of promoting the tranquillity of the South American colonies—so anxious was he to prevent the revival or the opening of fresh hostilities between them and the mother country, that in the year 1824, just previous to our recognition of their independence, he offered Spain to guarantee to her the possession of Cuba, upon condition of her entering into negotiations, the basis of which should be, that their independence should be formally recognised [hear]. If, therefore, any such prohibition were ever declared by Mr. Canning, he was satisfied that it must have been made upon some special grounds. He was the more confirmed in this conclusion, because there was on the part of the United States of America a declaration of such an intended amicable interference, in which special grounds were pointed out. In a note of Mr. Clay, the minister of the United States, dated December, 1825, that government, then having recognised the independence of Mexico and the other republics, he declared its intention to preserve a strict neutrality in the case of a war between them and her former colonies. The terms of that declaration were, however, that if Spain should persist in carrying on war without the prospect of success, the republics of Colombia and Mexico would probably retaliate, by making an attack upon Cuba, that being the *point d'appui* from which Spain could carry on her operations; and that if a war carried into that island by the republics should prove to be one of a desolating nature, such as the putting of arms into the hands of one class of the inhabitants against another class, then it would be necessary for America to interfere and to prevent such a war of extermination from proceeding. This was the ground which America had taken. What she said was, that she would not interfere so long as the war was conducted on both sides according to the laws of civilized nations; but she would not see such a course taken as must lead to the depopulation of the island of Cuba, and leave it to be transferred to the possession of some European power. If Mr. Canning ever made any declaration, he was satisfied it must have been one of this nature. With regard to the recent expedition sent out by Spain against Mexico, it was, he believed, almost entirely sent from the Havannah. Almost the only person in it who proceeded from the mother country, he believed, was the commander of the troops. How then could this country interfere? He could assure the hon. gentleman, whatever he might think, that it would have been extremely difficult for England to have prevented the sailing of that expedition by remonstrance alone. So much for what had been done; and now for the intentions of the government as to the future. They felt a deep interest in the welfare and the prosperity of these infant States. They had recognised their independence, and were anxious to see that independence consolidated by their tranquillity, and by their security from foreign attack, so long as they gave no just cause of interference to other powers. He therefore hoped that the South American States would now turn to their own resources and be able to compose their internal quarrels; in that, he repeated, they would find their chief safeguards against attacks from without. Ministers had hoped that Spain herself would ere now have been convinced of the propriety and policy, if not of recognising their independence, at least of abstaining from actual hostilities against the South American republics. They had hoped that she would at least have observed the principle upon which she proceeded in the contest with her Flemish colonies, where, long before their independence was recognised, she tacitly assented to a suspension of hostilities. The forbearance of Spain in that instance justified us in the hope that she would display like wisdom and moderation in this. And it might be here observed, that for several years she had abstained from issuing letters of marque against the States of South America, and so consulted the interests of humanity, and avoided many of the atrocities which, under the

sanction of such an authority, had disgraced the flags of other nations. If there were a chance of the permanent revival of hostilities between Spain and South America, the policy of England would be—1st, to endeavour to effect an amicable termination of the contest, and to bring about a peace, a common object not less interesting to Spanish America than to ourselves; but if all our endeavours should fail,—if Spain determined to persevere in the attempt to recover possession of her colonies,—he had no difficulty in thus publicly declaring, on the part of his majesty's government, that so far as the laws and operations of civilized warfare were concerned, this country would for herself act between the contending parties on the principle of strict impartiality [hear].

The conversation here dropped.

THE KING'S, OR LORDS COMMISSIONERS' SPEECH.

FEBRUARY 8, 1830.

On the motion that the Royal Speech be taken into consideration, Mr. G. Lamb rose in explanation of his motives for voting for the amendment to the Address on the first night of the session.

MR. SECRETARY PEEL then said, he trusted the House would indulge him for a very few moments, while he endeavoured to explain one or two points of his former observations, which had been very much misconstrued by the hon. member for Dungarvon (Mr. Lamb). That hon. member had assumed that he (Mr. Peel) argued for the necessity and propriety of non-interference, on the ground, that they could not depart from that course, through the fear of being called on to engage in war. Now, so cautious had he been against any misconstruction of his language with regard to war, that throughout the whole of the observations he addressed to the House on the subject of the foreign policy of the country, he most studiously avoided the mention of the word peace, without at the same time declaring that peace was not worth having, unless it could be preserved in a manner consistent with the honour and interest of the country, and the integrity of its power; and he repeated, that he did so expressly for the purpose of avoiding that very misrepresentation—a misconstruction into which the hon. member for Dungarvon, he had no doubt quite undesignedly, had fallen on this occasion. England might well afford to avow her love of peace; because she was strong enough and powerful enough to feel no fear of the consequences of war: and, (said Mr. Peel) let me tell those who ascribe such motives to this country, that those who have from principle, from humanity, and from a sense of its good policy, laboured to maintain a just peace among nations, will always be found the most able to sustain the consequences of a just and necessary war [hear]. I shall take leave to add one word on a subject to which the hon. member has also alluded very pointedly in the course of his speech, and which I know has made considerable impression both here and elsewhere. The hon. gentleman has in effect declared, that it is well known both in France and in England, that the present ministry of France owes its appointment to the government of this country. I have no doubt that the other impressions of the hon. member are founded on authority equally erroneous; but of that I shall now say at once, there never was any report so utterly unfounded, so wholly devoid of truth, as that any communication, either direct or indirect, was sent by any individual holding any situation in the government of this country to any member of any party, or holding any situation in France, with respect to the appointment of Prince Polignac to the head of its ministry [hear, hear].

The motion was agreed to.

EAST INDIA COMPANY'S CHARTER.

FEBRUARY 9, 1830.

MR. SECRETARY PEEL said, his majesty's government had felt it to be their duty to avail themselves of the very earliest opportunity to redeem the pledge which they

gave at the close of the last session of parliament, that as soon as possible after the commencement of the present session, they would themselves propose a committee of enquiry, for the purpose of investigating the state of the commerce between this country and our Indian possessions. And if, in proposing that committee, his statement should appear disproportionate to the vast importance of the subject, or if he forbore from entering on the present occasion into the manifold and most interesting details which were necessarily mixed up with it, he begged it to be understood, that he took that course, not from any insensibility to the paramount greatness of the question, but from a recollection of the peculiar position in which he stood that night, and from a strong feeling of the duty which was placed before them, and which the public expected they would perform with calmness and caution (hear). He did not consider that it was part of his duty to submit to this House on the present occasion, the consideration of any plan for the future government of India—that it was any part of his duty to state the opinion of his majesty's ministers as to the renewal of the present East India Charter, or to point out any modification which might be made in the existing system by which India was governed. He trusted that they would come to night to a calm and dispassionate enquiry into the propriety of appointing a committee to examine into this great question, leaving the details to future consideration, when the committee should have stated its opinion. He considered that to be the only question before them. He felt that this was an enquiry which would impose on them higher obligations, with reference to moral feeling, than almost any other in the whole sphere of public affairs; and therefore he did not wish to agitate the ultimate question precipitately.

He had also another motive for avoiding, if he could, the discussion of the details of this question, because it was not his plan to have a lengthened debate on mere opinions relative to Indian affairs. He hoped, in the first instance, that the subject would receive the most serious consideration of a committee—a consideration worthy of the importance and dignity of the question in issue [hear]. He meant to propose a general committee for the purpose of examining the great mass of documentary evidence that was ready to be submitted to the House, and also to enter on a faithful examination of persons who were conversant with all the facts connected with the situation of India, and who possessed local information with respect to the commerce carried on with that country. He proposed one committee rather than two or three committees, because he doubted whether the subjects to be considered were not so closely connected together, that the evidence on one point might tend to elucidate another, and therefore it appeared to him better that the whole should be laid before one body, instead of thus dividing it amongst many. He thought if one committee were appointed to enquire into the finance of India, another to look into the trade of India, and another to take into consideration the commerce with China, that much inconvenience would ensue. The subjects were so nearly connected, that he feared if such a course were pursued, much confusion would be the consequence. If the plan proposed by the hon. member for Callington (Mr. Baring) were followed,—namely, that of having two or three committees—it would not, in his opinion, answer the purpose. Such an arrangement, he conceived, would be bad. If two or three committees were appointed, there was a very great chance of the House being bewildered, amongst various conflicting opinions from the different committees. He would propose this committee with the plain and honest view of having a full, perfect, and unreserved investigation with respect to the affairs of the East India Company [hear]. Every document connected with the trade, with the commerce, and with the finance of India, should be laid before that committee. He proposed this committee, not for the purpose of ratifying any engagement previously existing between the government and the company. In fact, no such engagement, open or secret, express or implied, existed [hear]. The government in the fullest sense of the language, were free agents [hear]. He repeated, that he did not propose this committee with a view to the sanctioning of any previous engagement with the government. No such thing was in existence, and in any future proceeding the ministers were desirous of being guided according to the result of the enquiry. As there was no such irrevocable engagement on the part of the government—as the whole subject was open to investigation—he felt himself entitled to impress on the House the extreme importance of the enquiry into this great question.

He, however, begged to implore gentlemen to consider that they had greater objects to look to in the progress of that enquiry, than merely to determine in what manner British commerce was to be carried on. He entreated the House to recollect that there were other questions connected with this subject, of greater importance than the extension of trade [hear]. They would have to consider the whole character of the government—a government placed over an immense extent of territory, wielding a powerful force, and administering a revenue of very great extent. They would see, in approaching the subject, a wide and ample field for enquiry and observation. They were bound to consider the various modes in which that government affected the people over whom it ruled; they were bound to consider how any alteration might affect the influence of the Crown; and there were various other points which would also claim their attention.

He here felt it likewise necessary to speak of the East India Company; and, looking to the information of which he was in possession,—viewing the documents that were in his hands, he was bound to say that any investigation into the conduct of that body would, he believed, tend to their credit [hear]. He did think, that they had ever been excited by a sincere desire to promote the welfare and interest of those who were placed under them [hear]. Contrasting the administration of the Company with that of any other colonial establishment that ever existed, he was convinced that their conduct would redound greatly to their honour. Let gentlemen consider, that they were legislating for a body very peculiarly situated; and let them bear in mind, that the present form of government extended over many millions of people, and that it had existed for a great number of years. Now, although he was not prepared to say that another form of government might not be devised, from which equal benefits would flow, still he must contend, that sufficient was known of the present system to induce them to pause before they rashly interfered with it [hear].

In looking to the financial state of the Company, they would have to compare the amount of revenue now received with what was likely to be called for and produced in future. They would have to consider the amount of civil charges, and to see whether the gross revenue received by the Company was equivalent to those charges.

With respect to the commercial concerns of the East India Company (continued Mr. Peel) the documents that will be presented to the committee will contain much important information. On this subject, however, I abstain from pronouncing any opinion; but I may, nevertheless, refer to the returns that will be made, as sufficient to convince any calm and right-judging man, that too sanguine an expectation has been held out as to the result of any arrangement for opening the trade with India. However, means of judging on this point will be fully supplied. It will be shown by documents already prepared to be adduced, what effect the free admission of the Americans has had—what the price of tea has been in all parts of the world—what difference there has been in the price of that article as furnished by the Company, and by individuals trading on their own bottom, for private speculation—on all these points the fullest information will be given, and any other information that can be procured shall be laid most unreservedly before the committee.

Among the other considerations which will present themselves to this committee, I have reserved for the last place that which appears to me to be the most important—the welfare and interests of those who are now subject to the dominion of this country [hear]. I have seen returns which make the amount of the native population immediately subject to the control of this country, not less than ninety millions of persons [hear]. When we consider the extent of territory over which our power is acknowledged—when we consider the enormous mass of population subject to our dominion—when we call to mind the great revolution of empires by which that dominion has been established—when we reflect on the immense distance from which sovereign authority over those regions is exercised—when we call to mind the difference in language, manners, religion, and usages, between ourselves and the almost countless thousands over whom we govern, the mind cannot fail to be amazed at the contemplation of objects so vast and various. But whatever may be the sentiments we entertain upon the question, sure I am, at least, that we must approach the consideration of it with a deep feeling, with a strong sense of the responsibility

we shall incur—with a strong sense of the moral obligation which imposes it upon us as a duty to promote the improvement of the country, and the welfare and well being of its inhabitants so far as we can, consistently with the safety and security of our dominion, and the obligations by which we may be bound. We shall undoubtedly feel ourselves called upon to consider what are the measures that may best tend to protect the natives of those distant regions from wrong—to secure to them their personal liberty and the fruits of their industry; in a word, to endeavour, while we still keep them under British rule, to atone to them for the sufferings they endured, and the wrongs to which they were exposed, in being reduced to that rule; and to afford them such advantages, and to confer on them such benefits as may, in some degree, console them for the loss of their independence [hear]. These, Sir, are considerations which, whatever may be the anxiety to extend British conquest, and to maintain the rights of British subjects, must indisputably be entertained in a British parliament [hear]. Avoiding, then, Sir, all minute reference to subordinate details, however important—unwilling to touch on any topic that may provoke discussion, which, for the reasons I have already stated I am anxious to avert—I have cautiously refrained from mooted any point upon which there could be any conflict of opinions; and now, Sir, in this same spirit I shall conclude, by simply moving:

“That a Select Committee be appointed to enquire into the present state of the Affairs of the East India Company, and into the Trade between Great Britain, the East Indies, and China; and to report their observations thereupon to the House.”

After some observations from Mr. W. Whitmore, Sir J. Macdonald said,—If the right hon. gentleman has, as I suppose he has, prepared a list of the proposed committee, will he object to read the names to the House? The House may then judge how far the professed impartiality is to be carried [hear].

Mr. Peel hoped to be able to give the honourable member a satisfactory answer. The committee would be sufficiently extensive to ensure on all occasions a full attendance for the despatch of business; and it would also be numerous enough to subdivide itself for financial purposes. He would now read the list he had drawn up to the House. It would be seen that it was an ample one, and he hoped that it would be observed that he had attempted to give the commercial and landed interests a fair representation therein. There were of necessity the names of many hon. members left out, whose services would undoubtedly be of advantage to the committee; but he begged those gentlemen to believe, that the omission had not proceeded from disrespect, or from any thing like disregard for the zeal and talent they could bring with them to the enquiry. Hon. members would be pleased to bear in mind that his duty had been to make a selection. He had done so to the best of his ability, and he hoped it would meet the approbation of the House. [Mr. Peel then read the list.]

In answer to a question from Mr. Hume,—

Mr. Peel said, there was no idea of imposing any thing like a close restriction upon the committee, whose decision would, of course, be founded upon the evidence adduced before them. With respect to the word “present,” he had found it in the motion for the committee of 1813, and he thought himself safer in taking the very words used with respect to that committee than he could be with any other. Now, as to the representation of the different interests in the committee, he had laboured to make it as full and impartial as possible, and he did really think the commercial interests were sufficiently represented in having introduced the members for Liverpool, Newcastle-upon-Tyne, Preston, Lancashire, Staffordshire, Dublin, Limerick, and Yorkshire; and surely there was no want of the names of eminent advocates of their interests. He found the names of Mr. Baring, Mr. Irving, and Mr. Poulett Thomson, than whom none were more highly looked up to by the commercial and manufacturing classes. He begged the House once more to remember that the greatest benefit was to be derived from the examination of witnesses.

After a discussion of considerable length, the motion was agreed to.

CORRUPTION IN EAST RETFORD.

FEBRUARY 11, 1830.

On the Motion of Mr. N. Calvert, "That leave be given to bring in a Bill to prevent Bribery and Corruption in the Borough of East Retford," a debate arose; in the course of which, Viscount Howick moved the following resolutions by way of amendment:—"That the existence of bribery and corruption in the election of members of that House had frequently been established by evidence at the bar, especially in the instances of Penryn and East Retford; that it was notorious, however, that similar practices occurred in the majority of the other boroughs in the country; and therefore that it would be better to abandon the useless and expensive course of proceeding by bill to disfranchise particular places, and in lieu thereof to adopt some measure for a general reform of the representation."

MR. SECRETARY PEEL said, he was not surprised at the anxiety of the House to come to a decision on a subject which had already been so frequently and so fully discussed, and he could assure hon. gentlemen that for this reason it was not his intention to trespass long on their patience. He rose from a wish to disembarass the question of the extraneous political and personal allusions of his right hon. friend the member for Liverpool. His right hon. friend argued, that because the government had selected the same gentleman as attorney-general who had filled that office under the administration of Mr. Canning, they therefore should adopt the same course in respect to the franchise of a corrupt borough as had been adopted by the House in the time of that right hon. gentleman. His right hon. friend had passed a high eulogium, in the justice of which he (Mr. Peel) fully concurred, on the great learning and talents of Mr. Abercromby. He was happy to have the opportunity of selecting to fill the important office of chief baron of Scotland, a gentleman of the acknowledged talents, and great skill in the Scottish law for which that right hon. gentleman was distinguished. In every thing which had been said of that learned gentleman he fully concurred, but why his right hon. friend should infer from that appointment that government would now be prepared to consent to the transfer of the lapsed franchise to a large town, instead of extending it to the adjoining hundred of Bassetlaw, he (Mr. Peel) was at a loss to conceive; for if they were to follow the course pursued at the time alluded to, it would be to extend the franchise to the adjoining hundred. He owned he could not see what his selection of the hon. member for Sussex, on a former evening, as a member of the committee on Indian affairs, because he represented the interest connected with the growth of wool, had to do as an argument on this question; nor could he see the force of the ridicule which his right hon. friend endeavoured to throw on that selection, and the cause which he had assigned for it. He recollected that, in a speech made by an hon. member last year on the subject of wool, it was stated, that in the northern parts of China there would probably be a considerable outlet for our woollen trade. Remembering that, and believing that if the prospect were realized, it would afford a market for one of our staple commodities, he did think it only what was due to that interest to place on the committee a gentleman representing a part of the country greatly interested in the production of that article. That, he thought, was a reason why an air of ridicule should not be thrown on his selection of Mr. Burrell. He would now put it to the landed interest whether there were a preponderance of that interest when they saw his right hon. friend object to the name of one country gentleman on the committee, and ask to displace Mr. Burrell by inserting instead of his name that of Mr. Marshall, as a representative of the manufacturing interest. In this he saw no proof of the ascendancy of the landed aristocracy in that house. He (Mr. Peel) did not repent of having preferred the name of Mr. Burrell to that of Mr. Marshall, and he must repeat, he could not see the force of the ridicule which his right hon. friend endeavoured to cast on him, because in that selection he had not forgot the interest of that staple commodity of our manufactures and trade. He would now say a few words on the subject before them, and would be very brief, as he was sure that most hon. members were now heartily tired of a subject which had been already so frequently discussed. In the propositions before the House there were four courses from which they were to choose. The first was to issue the writ for the borough of

East Retford at once, because some hon. members seemed to think that the evidence in proof of general bribery in the borough was not complete, and that whatever corruption had existed, was already sufficiently punished by the long suspension of the issue of the writ. The second course proposed for adoption was that of the hon. member for Hertfordshire, who was for extending the franchise into the hundred of Bassetlaw. The third was for taking the franchise altogether from East Retford, and transferring it to Birmingham; and the fourth was that proposed by the noble lord (Howick), which went, in his (Mr. Peel's) opinion, to cast an imputation of corruption on all the cities and boroughs in the kingdom. Of these four, he was prepared to adopt that of the hon. member for Hertfordshire. He objected to the first proposition,—that for an immediate issue of the writ—on this ground, that though the evidence did not afford proof of any individual guilt, yet, to his mind, there was sufficient proof of a prevailing habit of bribery in the borough; and as the House had already declared that the borough was corrupt, and ought to be punished, it was, he thought, too much to ask that the writ should now be re-issued. With respect to the proposition of the noble lord, whom he always listened to with respect, because every thing which he pressed on the attention of the House he brought before them with great clearness and ability,—he owned it was one in which he could by no means concur. It was one declaratory of the general prevalence of bribery and corruption in all the cities and boroughs in the kingdom. Now, if he were to admit this, which he did not, but if he were to admit it, it would be an argument in favour of the proposition of his hon. friend the member for Hertford: because if the cities and boroughs were generally corrupt, it would be a good reason for transferring any franchise which Parliament might have at its disposal, not to any town, but to a county; for the noble lord's motion did not extend to charge bribery against the counties. He would admit with the noble lord that there did exist more of bribery and corruption in boroughs and cities than counties, and that, as he had said, would be an additional reason for extending the franchise of this borough to a large body of county voters; but he could not go with the noble lord in the declaration of general bribery and corruption amongst the boroughs and cities. He could not bring himself to consent to include in such a charge the borough of Westbury, which he had the honour to represent, or to involve its respectable electors in so sweeping a censure [*A laugh, in which the right hon. gentleman joined*]. The noble lord did not include counties in this charge: he represented a county himself [*Cries of "No, no"*]. Well, then, a borough; and he (Mr. Peel) would have no objection to the noble lord applying this charge to his own borough, if he so pleased, but he believed he would get few hon. members to join him in applying it to the places they represented. He hardly imagined that the hon. baronet near the noble lord (Sir F. Burdett), would consent to such a censure upon his constituents. Taking, then, the proposition of the noble lord as one to which he thought the House would not consent, he would now come to that of the hon. member for Hertford, for extending it to the adjoining hundred of Bassetlaw. The argument of his right hon. friend was not understood. His right hon. friend the Chancellor of the Exchequer said, that every case of the kind before them should rest on its own abstract merits, and that he saw circumstances in this that induced him to think that the safest course would be to extend the franchise into the neighbouring hundred. But his right hon. friend the member for Liverpool (Mr. Huskisson), in a manner unworthy of his great talents, had endeavoured to throw ridicule on the extension of the franchise to Bassetlaw. He (Mr. Peel) had voted for that proposition before; and he saw nothing in the argument of his right hon. friend to induce him to depart from the same course on this occasion. Some allusions had been made to the influence which the Duke of Newcastle would obtain by the extension of the franchise to Bassetlaw; but it was not necessary for him to state that he could not have any private inclination to promote the political influence of any one opposed to government. As the thing had been alluded to, however, he would declare, upon his honour, that the support which government gave to the proposition of his hon. friend for extending the franchise to the hundred, was not the result of any communication or any understanding whatever with the noble duke alluded to [*hear*]. But the fact was, as understood, the interest of the noble lord would not be promoted by the extension of the right of voting to the hundred. There were in that

hundred two thousand freeholders, and if he were correctly informed, there did not exist any great leading interest amongst them.

In stating his intention of giving the same vote on this question now as he had done on former occasions, he must not be understood as expressing himself hostile to the extension of the franchise to large towns. He had voted for the transfer of the franchise from Penryn to Manchester, and on that occasion he stated that if, on a future occasion, a majority of the inhabitants of any borough should be proved guilty of bribery and corruption, he should not object to the transfer of the franchise to a large town, with this understanding—that there should be a division of franchises, at the disposal of Parliament, alternately between the landed and commercial and manufacturing interests. He saw no reason to change that opinion, but he thought that there were circumstances in the case of East Retford which should induce Parliament to extend the franchise to the adjoining hundred. This question had been so often under the consideration of the House, and the House had expressed its opinion upon it by so decided a majority, that he did not think it necessary for him then to restate the arguments which he had urged before, on the motion of his hon. friend; but one element in the case which weighed with him was the consideration that the county of Nottingham sent only eight members to Parliament, and he saw no good reason why that number should be reduced to six. The same consideration did not exist in the case of Penryn. He also considered that this extension would act as a punishment amongst the guilty electors, while it would not take away the right from those who were innocent. The throwing in upon the borough this large number of freeholders would, to use the language of an hon. member not then in the House, be a punishment, by “sluicing” them with these two thousand fresh voters; and that the electors of East Retford so considered it, was proved by their protest to that House against the proposition. Now, considering that the question had been eight or ten times discussed, and not apprehending any preponderance of the landed interest in the House from this accession, he thought it would be the safest course which the House could pursue, to adhere to its former decisions; but should it now, contrary to those decisions, adopt the amendment of the hon. member (Mr. Tennyson), he (Mr. Peel) had no hesitation in declaring that he should feel it his duty not to oppose by any vexatious delays the passage to the other House of the bill which the hon. member would in that case bring in; for, after the decision of to-night, be it what it might, he did hope not to hear the name of this borough again.

On a division the original motion was carried by 126 against 99; majority, against the amendment, 27.

On the question being put that the bill be now brought in, the House again divided. Ayes, 154; Noes, 55; majority, 99. The bill was accordingly brought in, read a first time, and ordered for a second reading on the 26th of February.

REDUCTION OF PUBLIC SALARIES

FEBRUARY 12, 1830.

The Chancellor of the Exchequer having moved the order of the day for receiving the report of the Committee of Supply, and that a supply be granted to his majesty, Mr. Callaghan addressed the House, recommending the reduction of expenditure and taxation. In a discussion which ensued, Sir James Graham moved the following resolution:—

“That whereas subsequently to the Act 37 Geo. III., for the suspension of Cash Payments by the Bank of England, large augmentations have from time to time been made in the Salaries and Pay of Persons employed in the Civil and Military Service of the Country, on account of the diminished value of money; and whereas the alleged reason of this increase has, for the most part, ceased to operate, in consequence of the Act 59th Geo. III., which has restored the metallic standard of value,—it is expedient that, with a view to relief from the present excessive load of taxation, all such augmentations should now be revised, and every possible reduction effected,

which can be made without the violation of existing engagements, and without detriment to the Public Service."

Mr. G. Dawson, at the close of a speech of considerable detail, said, the forms of the House prevented him from moving an amendment to the proposition of the hon. Member for Cumberland; he might meet it by moving the Order of the Day; but as he did not wish to get rid of it in that way, he would let the House negative it, and he would then move the resolutions which he held in his hand, and which he would read to the House. The hon. member then read the resolutions, which were as follows:—

"That his Majesty was graciously pleased to assure this House, in reply to an Address of this House of the 27th June 1821 (that his Majesty would give directions for a minute enquiry into the several departments of the Civil Government, as well with a view to reducing the number of the persons employed in those departments, which from the great increase of business was augmented during the late War, as with reference to the increased salaries granted to individuals since the year 1797, either in consideration of the additional labour thrown upon them during that period, or the diminished value of money), that his Majesty would give directions as desired by the said Address.

"That an humble Address be presented to his Majesty, praying that his Majesty will be graciously pleased to direct that there be laid before this House an Account of the progress made in such enquiry, and of the measures adopted in consequence thereof.

"That it is the opinion of this House, that, in all the Establishments of the Country, Civil and Military, every saving ought to be made which can be effected without the violation of existing engagements, and without detriment to the Public Service."

In the course of the debate,—

MR. SECRETARY PEEL said, I do not conceive that the hon. baronet, the member for Cumberland, is disposed to press the question to a division. So far as I can collect, he is inclined to rest satisfied with the motion of my hon. friend; and I am therefore relieved from the necessity of making many observations which it would otherwise have been my duty to offer to the House. But the hon. baronet, in the commencement of his speech, made a direct appeal to me to which this may be the most convenient time to give some answer. From what I could infer from the outset of the hon. gentleman's speech, I did not expect that he would have entered into the general question of the currency, and the measures which might be proposed for establishing it on what he would conceive a proper footing. I thought that the hon. baronet's motion assumed that the currency, as at present established, must be so maintained, and assuming that the currency was to be so maintained, propounded that certain reductions should be made. This is not perhaps the most convenient or fitting opportunity for going into the consideration of that question, and I shall therefore, not answer in detail the appeal which the hon. gentleman has made to me. But I beg to assure the hon. gentleman that it is not from any desire to shrink from the discussion of the question when the proper opportunity shall present itself. When the regular notice shall have been given, and the attention of the House called to the subject in the necessary form, I shall be prepared to approach it with all the deliberation which its importance demands. But I cannot let even this opportunity pass without remarking, that in the very able speech which the hon. member has addressed to the House, he has made admissions with respect to the currency which tend to relieve me from the responsibility of the introduction of the bill of 1819. For, if the hon. baronet is prepared to act upon the just and wise principles which he has to-night laid down, were an occasion again to arise similar to that upon which the bill of 1819 was passed, the hon. baronet would be bound in consistency and principle to give to me his entire and cordial support. Sir, I beg to declare that whenever I approach the discussion of this great question, considering its delicacy, its complication, and, above all, its importance, I shall forget all political, or rather all party considerations; I shall be inattentive to that violent declamation which ascribes to the measures to which it is opposed the character of iniquity, cruelty, robbery, and fraud. I will ask the House patiently and liberally to consider the position in which we were placed in 1819; and, being content to adopt the principles which the hon. member for Cumberland has laid down, I will call upon the

House to pronounce whether there were any alternative to enable us to avert the evils which then impended, other than that of adopting some measure similar in principle to that of 1819, and the infallible consequence of which must be the infliction of considerable distress. Sir, it was not the measure of 1819, but, as my hon. friend who spoke last has properly and truly said, the measures which preceded the Act of 1819, which imposed the necessity of some decisive measures, and to which must be attributed the evils which have occurred since the change of the currency. We had to consider whether we should revert to a metallic standard, or whether we should continue to maintain an inconvertible currency. If any standard were adopted, the infliction of some distress was inevitable. But the hon. member says, that he would establish the civil list on the scale on which it was in 1820, because the faith of parliament was pledged to it. I entirely concur with the hon. member in this sentiment, and I cannot state in terms sufficiently strong the value and importance which I attach to an adherence to national faith. But I would ask the hon. gentleman, if it would be fair to adhere to engagements made by parliament to the crown in 1820, can he refuse to abide by engagements made during the progress of the war with the public creditor? I fully concur in the necessity and propriety of maintaining the national faith inviolate; but I affirm that no engagements made in 1820 are more sacred than the compacts made with the public creditor during the war. I would remind the hon. gentleman and the House that, at the time when every loan was made, there was a distinct intimation to the persons advancing their money, that, within six months after the termination of the war a metallic standard would be restored; and the hon. gentleman, I dare say, will admit that it would be difficult to maintain that, because the national creditor advanced his money in a depreciated paper currency, he is not entitled to reclaim his advances when peace is established, and the restriction upon the bank removed. Sir, the hon. gentleman admits that the chief difference between him and me is, that he would take a silver and gold standard, while I take a gold one alone. The present is not the occasion, but the time will come when I shall have an opportunity of stating the reasons which induced the committee of 1819 to prefer a single standard—and that a standard of gold—to a joint standard; and I can assure the hon. baronet, that if the only difference of opinion between us be, that he would take a joint standard in preference, twenty out of the twenty-five per cent. of distress, which he attributes to the restoration of a metallic currency, would have been imposed by his proposition of a joint standard. Sir, another admission was made by the hon. baronet, of no less importance, and equally true, but not more true than the former, which is this: I trust we shall ever remember the eloquent and impressive sentiments in which the warning was conveyed, which indeed ought always to be present to our minds. Says the hon. baronet, "You may issue your small note currency as you did in 1822, and its convertibility into gold will be no security against the evils of which it will be productive. But as the year 1825 followed that of 1822, if you adopt the same course, the same consequences will ensue, the same languor will follow the same excitement, and similar calamities will be again entailed upon the nation." Sir, I concur in every portion of the hon. baronet's sentiments on this point, and revert to my original position, that there is, in fact, no material difference of opinion between us, and that I am entitled to claim, for the bill of 1819, the hon. gentleman's candid support, and his powerful advocacy.

There is also another point in which I concur with the hon. member—namely, that the re-issuing of a small paper currency, although nominally convertible into gold, would only give a temporary and precarious relief, and that any benefit which it could confer, would be dearly paid for. The cheapness of the currency would produce a temporary advantage, but would ultimately occasion the departure of the whole gold currency from the country. Experience has told us that gold and a small paper currency cannot coexist in a country like this. To raise an immense superstructure of paper nominally payable with gold, would be pregnant with danger; such a state of things might go on for two or three years, but it would end in the departure of all the gold from the country—in excessive and violent changes of funds and other property, and in a sudden panic and simultaneous demand for gold. It would then be no answer to say "We are solvent; give us time, and we can discharge all our obligations." The reply would be, "We have a right to gold at once." There would be a simultaneous rush for gold, and a general bankruptcy and ruin

would ensue. A general rush to the public funds would instantaneously take place, and at the same time a simultaneous contraction of the paper currency, and a reacting of all the calamities of 1825. These considerations ought to induce gentlemen to approve and support the bill of 1819, because I believe that such as I have described would be the consequences of a small paper currency, even though it were nominally convertible into gold. Sir, I conceive that the motion of my hon. friend has a clear claim to the preference of the House, because I feel that, before the House comes to a resolution which would seem to imply that nothing had been done for the relief of the popular burthens, it would be right that the House should be in possession of some account of what the government has actually done. The hon. gentleman will also see that his motion is calculated to excite extravagant hopes which cannot be realized. He has alluded to the increase of military pay, but, Sir, the pay of the army has not been increased since 1797, and when the hon. gentleman alluded to those military officers whose pay has been increased, he appears to me to have made rather an injudicious selection. He has spoken of the Governor of New Brunswick, the Bishop of Nova Scotia, the Governor of Sierra Leone, and another, all of which are civil appointments, although they may at times be held by individuals possessing military rank; but the places themselves are civil offices. I believe also that the hon. gentleman will find that, acting on his own principles, nothing could be done which would effect any material reduction of taxation in that way. The motion of my hon. friend calls for an account of what has been actually done, and the House can then apply it to the Estimates. Sir, I must beg to protest against an inference drawn by a noble lord who has intimated that this resolution is extorted from his Majesty's Ministers by the speech of the hon. member. I would refer to the resolution passed in this House in 1821, on a motion of the hon. member for Dorsetshire (Mr. Banks), praying his Majesty that every possible reduction might be effected in the extensive establishments necessary for the maintenance and defence of the kingdom, and more especially in the army and other great institutions essential for the supervision and regulation of the national concerns. Knowing that the Crown acted on this resolution, we can have no objection that the House of Commons should place upon record a resolution recommending that every reduction and retrenchment consistent with the national engagements, and with the advantage of the public service, should be made.—Sir, a great deal has been said on the subject of having taken the advice of different parties in this House. Sir, I am not conscious that there have been any accessions to the government in which there have been any compromise of principle, and I confess I see nothing disgraceful in a man, when he approves of the conduct and measures of government, giving that assistance which may tend to render those measures effectual for the service of the state. For those who compose his Majesty's present administration I may be permitted to say, that our intention is to persevere in performing that which we feel to be our duty to the country. We are aware of the state of party in this House, and are not ignorant of the consequences which may arise from the combination of parties here. But, let these consequences be what they may, it is our determination to pursue our path firmly and conscientiously. In the course of last year we performed a great duty, by acting in contradiction to the opinions we had previously entertained, and the course which we had long thought it our duty to pursue. I then thought, and I do still believe, that that step was imposed upon us by a positive and overwhelming necessity, even though, by carrying it into effect we forfeited the confidence and the attachment of many in this House. But, Sir, I cannot now, even to conciliate the goodwill of that party, or any member of it, say that I repent the step that we have taken. I solemnly declare that subsequent events have convinced me that, by that course, we averted from the country great and awful calamities, the pressure of which would now be felt in aggravation of the distress which is described as universal and severe. Had Parliament refused to grant that long-agitated question of Catholic Emancipation owing to our perseverance or obstinacy, or whatever other name may be given to it, at this moment Ireland and England would be in very different situations from what they now are. I firmly believe that from the settlement of that question have resulted greater benefits than I contemplated, and greater dangers have been averted than any one could have foreseen. There have certainly been individual acts of atrocity which were a disgrace to those concerned in them; but it is not from

individual acts that we are to judge of the character or condition of a nation, nor can we form a just or accurate estimate from the exaggerated accounts of those acts of violence, even where they are not altogether destitute of foundation. But I see in the condition of that country the elements of future religious peace and national prosperity. The upper classes of society are falling into an oblivion of past animosities as rapidly as can be expected in so short a time, and the example of those classes is fast extending through the great body of society. Deeply as I regret the loss of the confidence which a portion of the members of this House have withdrawn from his Majesty's government, and clearly as I foresee the possible consequences which the combination of parties may lead to, I yet cannot purchase their confidence by expressing a regret for what has occurred. I say this with no feeling of hostility or asperity. I had at the outset a perfect knowledge of the painful consequences which might arise to me individually, and in my public capacity, from proposing the measure of Catholic Emancipation; but if the same junction were again to occur—if the business were to be transacted over again—with still greater deliberation and determination, and with increased preparation to make any personal sacrifice that might be necessary, I would this very night give notice of a motion for the introduction of such a measure. Sir, we made that concession and that sacrifice for the public good, and for the public good alone; but we have made and we will make no concession and no sacrifices for the purpose of maintaining ourselves in office. We will uphold the established institutions of the country with such salutary and well considered reform as change of circumstances may render necessary, and so far as shall be consistent with the preservation of the permanent interests of the country. We will propose such measures of retrenchment as can be effected with advantage, but will propose none which cannot be maintained consistently with the honour and just influence of this nation; and I say with confidence, but with perfect respect, that, whatever may be the consequence of the combination of parties in this House, there is a sufficient fund of good sense prevailing in the country, without reference to ultra Whig or ultra Tory, which will ultimately sanction and confirm the course that has been pursued, and which it is our intention to pursue. [The conclusion of this speech was delivered in an expressively animated manner: and was received with loud cheers.]

In reply to Mr. Attwood, Mr. Peel, in explanation, begged to say that an inference had been attempted to be drawn from his declining to enter into details, which was totally unfair—namely, that he had admitted that an alteration had taken place generally, about the period of 1819, to the amount of 25 per cent., or upwards. He begged to say that he never had, either in words, or tacitly, made any such admission, and he was satisfied, neither the hon. member who last spoke, nor any other who concurred in opinion with that hon. member, could prove that any such depression then took place. Whilst thus availing himself of the privilege of explaining, he would take this opportunity of saying that he anticipated great advantages from the improvement of the banking system, though decidedly opposed to the issues of notes for a less value than £5. Indeed, he hesitated not to confess that he hoped and trusted the day would soon arrive, when all the present restrictions on the banking system would be removed.

Sir James Graham withdrew his motion, and the resolutions of Mr. G. Dawson were adopted.

REDUCTION OF PUBLIC ESTABLISHMENTS.

FEBRUARY 15, 1830.

The Chancellor of the Exchequer having moved that the Order for the House to resolve itself into a Committee of the whole House to consider of the Supply, Mr. Hume moved, by way of amendment, "That this House will forthwith proceed to a repeal and modification of taxation to the largest possible extent which the reductions that may be made in the Civil, Military, and Naval Establishments of the country will admit, as a means of affording general relief to the Country."

In the debate which ensued, Sir Francis Burdett spoke; and Lord Howick having

expressed his intention to vote in favour of the motion of the hon. member for Aberdeen,—

MR. SECRETARY PEEL expressed his satisfaction at having on that occasion to vote with the hon. baronet, the Member for Westminster [“No, No,” from Sir F. Burdett]. He understood he was to have the benefit of the hon. baronet’s vote; but he found his opening sentence completely destroyed by the unexpected declaration that the hon. baronet’s vote was to be against his own speech. Certainly he inferred from that speech that the hon. baronet meant to vote against the motion. Undeceived as to his error, he should say that he could not agree with those gentlemen who contended that no relief could be given to the people by a reduction of taxation. The remission of every tax was, undoubtedly, a relief to the people. He never did suppose that, when a tax was not necessary, the amount of such tax ought to be diverted from the natural application of industry; for he was sure it would fructify more in the hands of the people than in those of the state; and, if taxation were not necessary, he should not wish to levy taxes. He did not expect that the currency question would have been mentioned that night; and he really would advise any gentleman who wished that the currency should be again altered, that he would undertake, on some specific night, to bring the motion regularly before the House; and he would also advise him, not only to give a notice, but to take the trouble to propose an enactment; and come to the House ready to show, in all its details, how the currency was to be depreciated, what would be the effect of his measure on all contracts, and how the distress would be remedied by the depreciation he meant to propose. Members seemed to conceive, in every discussion, that depreciating the currency was an obvious remedy for the distress; and when the hon. baronet brought forward the important measure he no doubt contemplated on this subject, he should be ready to meet his argument: on the present occasion he meant only to make one or two short observations. He could not understand the hon. baronet’s doctrine, that reducing the currency five millions in amount necessarily reduced the income of the country fifty millions. He could not see why the reduction of the currency should reduce the income to a ten times greater amount. By raising the value of money, those who possessed it could obtain a greater command over commodities. He admitted that there was a certain class whose property was incumbered, and who were obliged to discharge their incumbrances at a fixed sum; and he would admit, that raising the value of money was a hardship on them, but to those destitute of incumbrance it was no hardship. The hon. baronet said, that because they had already tampered with the currency this was a reason why they should tamper with it again. That was the hon. baronet’s argument:—we had recently tampered with the currency, and we ought with less reserve to tamper with it again; if we had at one time depreciated the currency, the same argument would apply again with additional force. But he would beg the hon. baronet to recollect the inconvenience that would be felt, if by any further tampering with the currency they were again to unsettle after ten years’ continuance, (for so long had the currency been established on its present basis, with the exception of a short interval, in 1822,) he would beg the hon. baronet to recollect the vast inconvenience which would result from their again unsettling all the contracts of the country. Would he then attempt to alter all the engagements contracted on the faith of Parliament, that an alteration in the currency should not again take place? And would the hon. baronet venture to say what would be the consequences of their altering the currency, influencing and deranging all the contracts that had been entered into during the last thirteen or fourteen years? Not only would the hon. baronet unsettle all those engagements; but he (Mr. Peel) wished to know what criterion he would fix upon to determine the precise standard. There was one other point connected with the hon. baronet’s speech on which he wished to say a few words. If the House were to determine on the hon. baronet’s proposition to depreciate the currency, what would be the inevitable consequence? The moment that the public who held paper convertible into gold coin found that that gold coin was to be deteriorated, they would rush with their paper to obtain gold before the deterioration. If, indeed, the hon. baronet could, by his emphatic will alone, instantly alter the standard, so that a man who held paper should find on awaking to-morrow morning that for that paper he could obtain only eighteen or nineteen shillings in the pound, that would be another affair. But

before the legislature could pass a bill upon the subject, every man who held paper, consulting like most persons his individual interest, would press forward to obtain the performance of the engagement which had been made with him in the medium in which that engagement had been contracted. On these two grounds, therefore—first on the impropriety of unsettling all the pecuniary engagements which had been entered into since the year 1819, or rather since the year 1816; and secondly, on the confusion which the urgency of the demand for gold in its present state must necessarily occasion—he entreated the hon. baronet to pause before he dreamt of proposing a deterioration of the currency. So much for the episode which the hon. baronet had introduced into the discussion; and now a few words upon the motion of the hon. member for Aberdeen. To that motion there were, in his opinion, more objections than it would be convenient to take up the time of the House by stating. It was unusual and unprecedented. It was unusual, before ministers laid the estimates on the table, and stated their views with respect to taxation, to propose a resolution, not to repeal any particular tax, but a general resolution that the House would proceed to repeal a certain taxation. What was to be gained by such a proposition? If the resolution were not agreed to, the hon. member would be just as much at liberty to propose the repeal of any particular tax as if the resolution were carried. In fact, it was the duty of the House to repeal whatever taxes could be repealed consistently with the public benefit. The hon. member, therefore, would not advance a single step, if all that he meant was, that the House should repeal exactly the amount of taxes which their duty to the public would permit. But the proposed resolution went further. As had been justly observed by his right hon. friend, it went to dispose of the Sinking Fund. Now, that might be a proper proposition; but undoubtedly it was one which required more consideration than could be given to it when introduced incidentally to their notice. But here, without an hour's consideration, it was proposed to determine that there should be no sinking fund. He protested, therefore, against the adoption of that Resolution without further consideration. But that was not all. It was impossible to separate the motion from the comments with which the hon. member had accompanied it. The public would couple the resolution with the hon. gentleman's speech. Now, in that speech he proposed to reduce the expenditure, and, consequently, the taxation, eight millions and a half. He would leave the House to judge what effect would be produced on the public mind if a resolution should be agreed to by the House of Commons, promising a reduction of taxation of eight millions and a half. Another objectionable part of the proposition was, that it had no specific purpose. The hon. gentleman proposed to remit a great taxation, but he did not particularize the taxes which ought to be remitted. He did not propose that the tax upon soap, upon candles, upon malt, &c. ought to be remitted. Now, any one who proposed the remission of a tax ought at once to bring in a bill for that purpose. For nothing could be so injurious to the retail trader as to leave in a state of uncertainty the taxes which it was intended to remit. But the hon. member said, "Remit taxation, but leave the country in doubt what particular taxes you will remit." The consequence of adopting such a resolution, coupled with such a speech, would be not to restore confidence in the country, but to suspend business; because it could not be known for three or four weeks what particular taxes would be reduced. The hon. member would have adopted a more rational course had he brought forward a proposition for repealing some particular tax, and taken the sense of the House upon it. An hon. gentleman had urged as an argument in support of the hon. member's proposition, that it would atone to the country for the omission in the King's Speech, and repair the disappointment occasioned by doubting the existence of distress in the country. He knew how unpopular any person made himself at the present moment by arguing against the existence of universal and overwhelming distress. He was convinced, however, that the description of the distress in the speech from the throne was much nearer the truth than any description characterising it as universal and overwhelming. The communications which he had received from various parts of the country since the delivery of the speech, from persons with whom he was unacquainted, but who volunteered their statements, concurred in declaring that there was not that universal distress which the hon. gentleman opposite supposed. Although he admitted that there was distress in many parts of the country, while he

deeply lamented it, yet he did not believe that it extended over the whole kingdom, or that it was so severe as to extinguish all hopes of remedy. There was an elasticity in the resources of the country which he was persuaded would ultimately lead to a return of comparative prosperity; and he did not think, by exaggerated descriptions, and by exciting, however unintentionally, general despair and dismay, that we should approximate more closely to the restoration of confidence, and the practicability of diminishing the public burthens.

On a division Mr. Hume's motion was negatived by 184 against 69; majority, 115.

SETTLEMENT OF GREECE.

FEBRUARY 16, 1830.

Lord John Russell, pursuant to notice, moved, "That this House learnt, with satisfaction, that his Majesty, having recently concerted with his Allies measures for the pacification and final settlement of Greece, trusts that he shall be enabled at an early period, to communicate to parliament the particulars of this arrangement, with such information as may explain the course which his Majesty has pursued throughout the progress of these important transactions. That it is the confident hope of this House, that such final settlement will be found to secure to Greece a territory sufficient for national defence, and a government provided with full powers to adapt its institutions to the wishes and wants of the people."

MR. SECRETARY PEEL said, notwithstanding the peculiar circumstances in which I am placed, I trust that I shall be enabled to give such general explanations to the noble lord, as may induce him to be of opinion that it is not necessary to take the sense of the House upon his motion. I say that I am placed under peculiar circumstances, because the House will recollect that on the first day of the session, in the speech from the Throne, his Majesty stated, that in conjunction with his Allies, and in conformity with the Treaty of the 6th of July, he was on the point of concluding a final arrangement for the pacification of Greece, and for the determination of its relations with the rest of Europe: and his Majesty was pleased to add, that all the papers connected with that arrangement, sufficient to explain the course he had taken, should be laid before Parliament at an early period. In my official capacity I am, of course, cognizant of those papers; and I cannot help thinking that nothing could be more inconvenient than for me at the present moment to be drawn into an untimely discussion which may involve that information of which ere long the House will be in possession. Were I drawn into such a discussion, I do not know how I could avoid availing myself of that information, thus obtaining an advantage in debate which others do not enjoy. I therefore trust that the object of the noble lord will be attained, although I do not enter into that discussion; but if it should hereafter arise, and if the noble lord should deem it necessary to take the sense of the House, I hope that the forms of the House will not prevent my offering some further observations. The noble lord avows that his main object is, if possible, to procure an explanation on two points which he deems of pressing importance.—First, the nature of the institutions provided by the Allies for the future government of Greece; second, the territorial limits to be assigned to the new State. On the first point I apprehend I shall be enabled to give complete satisfaction. I can assure the noble lord, that in the arrangements, the bases of which have been laid by the Allies who are parties to the Treaty of the 6th of July, although the noble lord seems to have heard rumours to the contrary, no attempt has been made to dictate despotic monarchy to Greece. No provision is made in the arrangements which can control the establishment of such institutions as may be compatible with the present situation of Greece. I can also venture to disclaim, certainly on the part of my own country, and I believe on the part of France and Russia, any wish to interfere with the formation of such institutions as are best calculated to secure the liberty and promote the happiness of Greece. Into the second point, which relates to the limits of the new State, I can scarcely enter without an infringement of the principle to which I referred at the commencement of my observations. On the 22nd of March the Protocol was issued to which the noble Lord referred, and which in some way or

other obtained publicity in the continental Journals, relating to the limits of Greece, and the noble lord has expressed his apprehensions that the boundaries now about to be assigned will be less than those mentioned in the Protocol. I feel that the present is not the occasion for entering into the details, but I can venture to assure the noble lord, that the arrangement now in progress for the independence, happiness, and security of Greece is, in my opinion, much more favourable than that which was contemplated in the Protocol. The territorial limits may be less extensive, but the compensation for the more confined limits will, I think, be found ample. The noble lord justly observes, that it must be the policy of those countries which entered into the treaty of the 6th of July to give Greece such security as in her infancy will protect her from foreign interference: he, therefore, wishes that she shall have a frontier capable of being easily defended. It may be sufficient for me to assure the noble lord that there is no such limitation of the new state as he appears to believe is contemplated—that the boundaries will be far more extensive than the Morea, and that will include all those places with which our historical recollections are gratefully associated, and that the nature of the frontier will in a considerable degree afford the means of defence. But the question of limits is of much less importance, provided those states which entered into the treaty of the 6th of July have completed that arrangement, which we hope will be a fulfilment of that engagement—provided also, that those states, under whose fostering care this new government is to be established, feel that interest in its prosperity which will induce them, until its resources are of themselves sufficient, to undertake the guarantee of its independence.

With regard to the anxiety of this country to support the government of Turkey, it will be recollected by the noble lord, that on a former occasion some sarcastic remarks were made upon the supposed attachment of ministers to Turkish institutions—as if, because they did not wish for the dismemberment of the Ottoman power, they necessarily admired its institutions! At that time I protested against any such inference, and I added that I thought I could prove, by the opinions of statesmen strongly attached to liberty and liberal institutions, that it was possible to entertain a desire to preserve the integrity of Turkey without the implication that it was fit to support its system of internal government. The noble lord has spoken of the opinion entertained by Mr. Fox in 1791, but in 1806 the circumstances of Europe were certainly such as to induce Mr. Fox to think that it was for the general interest of Europe—for the sake of the preservation of the tranquillity of the world, that the independence of Turkey should be secured. There was another proof of the opinions of Mr. Fox on this subject, which I did not bring forward. In the course of the discussions with the French government in 1806, a proposition was made by Prince Talleyrand, that some compensation should be made to Sicily, by the establishment of a new state, consisting of Albania, and the Morea. Mr. Fox protested against this proposed dismemberment of Turkey, contending that it ought to be part of the policy of Great Britain, France, and Russia, to preserve the integrity of the Turkish power. Mr. Fox, therefore, attached great importance to the maintenance of Turkey as an independent state; but I hope that the mention of this topic will not tend to introduce discussion. I did not on a former day mean to state Mr. Fox's views as to the general system of European policy. I only wished to show by that instance, that public men, in accordance with the example of their predecessors, might attach importance to the preservation of the integrity of Turkey without necessarily leading to the inference that they approved the system of internal government in Turkey. If the noble lord had brought forward his motion in a hostile manner; if he himself had not said that he rather introduced it in order to procure from ministers such an answer and such information as they could give consistently with their duty; and if I thought he meant to press it to a division, I should feel under the necessity of at once opposing it; but considering the promise of the Crown at the earliest period to afford information, I do not think there is any thing in the complicated relations of this country with regard to Greece, as they have existed during the last three years, to entitle this House so far to withhold its confidence from the present servants of the Crown, that it should undertake to express an opinion before it has obtained the information on which an opinion ought to be founded. I beg the House to recollect that when the present government (I mean the administration of the Duke of Wellington) came into office, they found the Treaty of the 6th July in ex-

istence; the objects of that Treaty were necessarily vague and imperfect, but the intention of it was to apply an immediate remedy to an enormous evil affecting the interests of every commercial country. Although the present Ministry were not the authors of that Treaty, yet, throughout the whole progress of its execution, we were as desirous to fulfil its objects in the spirit of the Treaty as was Mr. Canning himself. What were the facts? Shortly after the accession of the Duke of Wellington to power, one of the parties to the Treaty found herself, on grounds quite extrinsic, involved in a war with Turkey. Against the right of Russia to enter into that war we did not protest, but left her to pursue the line of policy she deemed it proper to take. It has been said, that my noble friend at the head of the cabinet, and the government generally, were in some respects responsible for the precipitation and rashness with which Turkey commenced hostilities, and for the obstinacy with which she persevered in them; it has also been contended that we were deceived as to the result, and thought that Turkey could maintain a successful resistance. The main charge against us, however, has been, that Turkey was in some way improperly induced to place reliance on the friendship and goodwill of Great Britain, particularly after she had been termed in the Speech from the Throne, our "ancient ally," and that in consequence of that alliance, she was led to embroil herself in war. Now, a simple reference to a few dates, without entering into any argument, will totally disprove this charge. I vindicate not only the government of the Duke of Wellington, but that of Lord Goderich, from the imputation of having created an impression on the part of Turkey, that she might rely upon the assistance of England, either directly or indirectly. It so happens that the battle of Navarino was fought on the 20th October, 1827, and the account of it reached Constantinople on the 1st Nov. following. The Ambassadors of the Allied Powers, and the Minister of England as one of those Powers, in consequence of their total dissatisfaction with the assurances given by Turkey, left Constantinople about the 20th December, 1827. Turkey had, therefore, at that time, first, the proof that England had taken her share in the battle of Navarino; and next, the proof that England was displeased with the course she had taken, by the departure of her ambassador from the capital. It was on the very day that the British Ambassador left Constantinople that the Porte was infatuated enough to issue that document called a Hatti-scherriff, and which was the immediate cause of the war. It was issued on the 20th December, and it was not until the 3rd January that my noble friend was made Prime Minister. When he was so appointed, it was not known that the Hatti-scherriff had been published by Turkey, nor did that fact transpire until after she had been designated in the King's speech the "ancient ally" of this country. These facts show that it was impossible that any foolish reliance on the friendship and assistance of England could have induced Turkey to enter into the war with Russia; for that war Turkey is alone responsible, and for her perseverance in it she is also alone responsible; in both cases she acted not only without the encouragement but directly against the advice and remonstrances of Great Britain. It may be said, indeed, that although she entered into that war upon the consideration of her own case, and without any such reliance upon Great Britain, still it should have been the policy of this government to interfere actively to prevent the disastrous issue of the war. Here I must say, as indeed has been already said, that before England is induced to second a war of that nature, it becomes her first to ask the question whether the proposed hostilities are just and necessary. In the Hatti-scherriff, which was the cause of the aggression of Russia, three declarations were publicly given:—First, a religious appeal was made to all Mahometans to take up arms against Russia; next, there was a positive statement that Turkey would only enter into negotiations with Russia to deceive her and to gain time, the better to prepare new means of resistance; thirdly, that she had signed the treaty of Ackermann with the intention of violating it, and that she never would fulfil any of its conditions.—Therefore, not only were we not responsible for the conduct of that power in engaging in the war, but if we had undertaken her defence, we must have undertaken it upon grounds which no honest minister could approve. Whatever importance we might attach to the integrity of Turkey, and whatever wish we might entertain to see an amicable settlement of the matters in dispute, I must protest against the notion that England ought to be bound by the rashness or folly which might influence the councils of others. The conduct of England in attempting to

mediate was perfectly consistent with wisdom ; but there was no obligation, express or implied, of treaty, of good faith, or of policy, which could induce or justify her in actively interfering by means of war with the issue of the pending contest. Still, notwithstanding that war, and notwithstanding the peculiar circumstances in which England and France were placed as neutral powers, having to execute the treaty of 6th July with Russia, a belligerent, we felt it so important to Europe, and above all, we had contracted such obligations to Greece, that we were compelled to overcome every minor difficulty, and to persevere in the attainment of the objects of the treaty. I am happy to say that we have succeeded : that treaty is on the eve of its final accomplishment ; peace has been preserved ; and whatever may have been the original intentions of the authors of the treaty, I will venture to say that in the result it will be found that the three great parties to the Protocol never at first contemplated any settlement so favourable to Greece as that which, I think, consistently with justice to Turkey, we have been enabled to make. Let me remind the House that by the treaty of the 6th July, nothing more was contemplated than the establishment of that sort of qualified independence which would have left the state of Greece the vassal to the Porte, and subject to the payment of a considerable tribute : the Porte would even have had the power to interfere in the nomination of the Greek governors. By intervening events and by negotiation, we have been able to establish the complete independence of Greece. She no longer holds the rank of a mere vassal dependent upon the Porte, but she will take her place among the independent nations of Europe. Having effected these objects, notwithstanding the difficulties opposed to us, I apprehend it will be felt, from what I have stated, that there has been that degree of harmony and good faith in the councils of the "three great powers, Great Britain, France, and Russia," which will at least induce the House to suspend its judgment until the promised papers can be laid upon the table. Surely there is nothing in the course of these transactions to justify suspicion. I concur with the noble lord, that it must be the policy of this country to see that a new State thus formed is placed in a situation in which it can be prosperous ; and I join with him heartily in the earnest wish he has expressed, that the Greeks of the present day may recover from the torpor of long slavery, and be enabled to emulate the glory of their predecessors, while, at the same time, they enjoy all the advantages that arise from the progress of knowledge, and from the establishment of those institutions which, in happy countries like this, are calculated to insure the possession of civil and religious liberty.

In reply to Lord Palmerston, Mr. Peel said, I am extremely sorry, that when I stated that his Majesty's government had been able to execute the treaty in the spirit in which it had been conceived, and even to carry it further, any one should suppose that I thereby intended to draw a contrast between the present government and the original framers of the treaty. I said that we had carried the treaty further than Mr. Canning, but that has been because events have arisen which Mr. Canning was not able to foresee. But, Sir, I think that I have a right to complain of the manner in which my noble friend has called the attention of the House to the subject ; there were first addressed some questions to me, and when they were answered, the noble lord (Palmerston) has risen to found a statement upon them ; I therefore think that I have a right to complain, because I certainly did not conceive that these answers would form the groundwork of the unpremeditated impromptu delivered by my noble friend. What a situation am I placed in by answering these questions ? Was it fair on such a ground to enter into the description of boundaries—was it proper to enter into the discussion of attaching Candia to Greece. Can I in reply state and argue upon all those circumstances of which the House is not yet in possession ? Can I enter into the reasons why, because there has been a rebellion, not only England, but all the other powers have forced Turkey to a submission, to which, under other circumstances, they would not have consented ? But, Sir, even if my noble friend shall succeed in procuring a majority for the noble lord's motion, it will still leave the government unfettered as to Candia, for the noble lord's motion has nothing to do with that : and I protest that I will not be drawn to enter into the discussion by the course pursued, trusting the House will feel the situation in which I am placed, and that the time is not yet arrived for that discussion. I feel that I cannot in fairness enter into that discussion, and I will not enter into it ; but I trust that the House

will not from this resolution of mine, draw any unfair conclusion. My noble friend has stated, that if England would consent to enlarge the limits of Greece, he was pretty sure that the other powers who have joined in the treaty would not be opposed to such extension. Certainly this is a statement which I did not expect to hear from my noble friend. I do not, however, know in whose confidence he may be, or whom he may undertake to represent in making that statement, unless he comes to that conclusion from having been in office at the time of the execution of the treaty. This, however, at all events, I can state to the House, that the most perfect harmony on the question of boundaries exists between the contracting powers; and that the arrangements will be found worthy of the sanction of parliament.

Lord Palmerston having explained, Mr. Peel also spoke in explanation.—I can assure my noble friend that I admit his perfect right to express his opinions, and to have them considered expressly as his own; and if I had objected to it, I should have been justly subject to censure. But I was not speaking of opinions, but of facts. Neither did I impute to my noble friend any improper disclosure of the information he obtained while in office; all that I stated was, that having made a speech, I was placed under a disadvantage when my noble friend entered into details. The fact to which I referred was this—that my noble friend stated certain circumstances in such a manner as must have led those who heard him, to suppose that he spoke from authority, and that he was in possession of the negotiations between the powers, thereby leading those who heard him to conclude that England stood alone on the question of limits; and that if she would waive her objections on that head, there was reason to believe that the other powers would also waive theirs. For this reason I thought it necessary to state that the three contracting powers were agreed upon this point, and that there was no such want of harmony as my noble friend would have made out. It was for these reasons that I made the observations I did; and I beg to assure him, that in making them I did not in the least intend to impute to him any improper disclosures.

Lord John Russell having declined to divide the House on his motion, it was negatived without a division.

FEES PAID BY PERSONS ACQUITTED.

FEBRUARY 17, 1830.

MR. SECRETARY PEEL rose, in pursuance of his notice, to move for leave to bring in a bill—by which, however, he did not feel quite satisfied that the immediate object which he had in view would be gained—namely, a bill to abolish all fees heretofore payable by persons on their acquittal or other discharge from any criminal charge. In 1818 a bill had passed that and the other House of Parliament, the intention of the framers of which must certainly have been to abolish all such fees, for it enacted that no fee should be paid on the acquittal of any prisoner charged with felony or misdemeanour. The construction which had been put upon that bill, however, was that it was applicable only to persons retained in custody, tried and acquitted, and not to persons who were only held to bail, and afterwards tried and acquitted. The object of his bill was to relieve all acquitted persons, whether they had been in custody or only held to bail, from the payment of fees upon acquittal. At present, a person so circumstanced was liable to pay 13s. 4d. to the clerk of the peace, 2s. to the crier of the court, and (which was the most extraordinary fee of all) 12s. to the jury on every traverse. On grave consideration, however, it appeared to him that the bill for which he was about to move would not go far enough. It would only relieve the person acquitted from the payment of fees, but he would still be subject to the payment of different fees for the formal processes of the court. Among other charges there was drawing up the record, for which the person tried had to pay a shilling a folio; amounting in some cases to five or six pounds, and in many to two or three; although in numerous instances no record whatever was drawn up. Since he had given notice of his bill, the hon. member for Cumberland had expressed his intention to move for the appointment of a committee to enquire into the amount of fees receivable by clerks of the peace, and the authority on which those fees were

demand. He (Mr. Peel) highly approved of the proposition, and if that committee were appointed, he would not press his bill upon the attention of the House until the result of its enquiries were known. He understood that last year it was a question with many country gentlemen whether granting compensation for fees were desirable, very large sums having been demanded on that score. The act of 1815, to which he had before alluded, provided compensation for the officers whose fees it took away, and subjected the county to the payment of that compensation. He confessed, however, that he did not see the justice of rendering the county liable at all times; although, with respect to fees, he was certainly inclined to think that on the termination of all existing interests it might be advisable that they should cease. The whole subject was one of great importance, and as he understood the hon. member for Cumberland would take an early opportunity of moving for the committee to which he had alluded, he would merely now move for leave to bring in the bill, but postpone any further proceeding on it until the committee had enquired into the subject. The right hon. gentleman accordingly moved for leave to bring in his bill.

In reply to an observation by Sir T. Baring,

Mr. Peel said, he had abstained from giving an opinion as to whether all officers in those courts to which his bill had reference should be paid by salary or by fees. All he asked was, whether, when an individual was discharged, he should be called on to pay for that which was not essential to his defence. He did not say that he meant to do away all fees and substitute a fixed salary. That was a point of grave importance and required much consideration.

Leave was given to bring in the bill.

LAW REFORMS.

FEBRUARY 18, 1830.

MR. SECRETARY PEEL rose to make the motion of which he had given notice respecting the reform of the courts of law. Before he proceeded, he begged that so much of the royal speech at the opening of the session as related to the measures for the improvements of the courts of law might be now read.

The clerk of the House then read as follows:—"His Majesty commands us to acquaint you that his attention has been of late earnestly directed to various important considerations connected with improvements in the general administration of the law. His Majesty has directed that measures shall be submitted for your deliberation of which some are calculated, in the opinion of his majesty, to facilitate and expedite the course of justice in different parts of the United Kingdom; and others appear to be necessary preliminaries to a revision of the practice and proceedings of the superior courts. We are commanded to assure you that his majesty feels confident that you will give your best attention and assistance to subjects of such deep and lasting concern to the wellbeing of his people." The right hon. gentleman then proceeded to say, that in moving, pursuant to notice, for leave to bring in a bill for ascertaining the fees and emoluments of officers in the courts of common law, he thought it might be convenient and advantageous to the House that, at an early period of the session, he should avail himself of an opportunity of presenting to it a general outline of the measures connected with the improvements in the administration of the law referred to in his majesty's gracious speech from the throne at the commencement of the present session. He was quite aware that each of these measures would require a separate and deliberate consideration, but still he considered it of importance, that previously to entering upon the separate consideration of each of them, the House should be in possession of the views and objects of his majesty's government in a connected form, for the purpose of enabling it to form a judgment with respect to the general scope and tendency of the proposed measures. He was convinced that his majesty's confidence in the House (which he had graciously expressed in his speech from the throne), and his reliance upon the disposition of the House to lend every attention and assistance in the progress of these measures, had not been misplaced, and would

not be disappointed. He was himself confident, whatever shades of difference might exist in the opinions entertained by members of that House upon political questions, however different their views as to the precise extent of the distress mentioned in the speech from the throne, and which was unfortunately more or less prevalent throughout the country—whatever difference might exist on the subject of our foreign or domestic policy, he was confident, however the attention of the House might be occasionally occupied with these considerations, that hon. members would not be so exclusively engaged in them as to allow such matters to withdraw their attention from the perhaps less interesting and animating discussion of legal improvements, which were, however, far from being of slight consequence to the permanent welfare of the country. He alluded to the intended measures for the improvement of the general administration of justice. He felt confident that members would indulge him and favour him with their attention while he stated the general outline of these measures. He had no doubt that they would make allowances for his want of professional education and professional experience, a circumstance that might render some of his explanations less intelligible than they would otherwise be upon such a subject. He was also satisfied that the House would take into account the necessary occupation of his time in other matters, which the peculiar duties of his office rendered still more pressing than the present subject (important as it was), and that they would overlook any errors or oversights which he might commit. The technical details of the subject he left to the discussion of others who were better qualified than he was, by their habits and education, to deal with them; but he considered it to be a part of his duty to present to the House, in a popular form, the great and general principles of the improvements to be proposed, so as to render them intelligible to others who, like himself, did not possess the advantage of professional knowledge and experience. The House was aware that, some short time since, his Majesty, in compliance with an address of the House, had appointed two commissions of enquiry—the one for the purpose of enquiring into the practice and proceedings of the superior courts of common law—the other to enquire into the state of the law relative to real property. He must give credit to the hon. and learned gentleman opposite for a great share in the appointment of those commissions which he had suggested in the able, learned, and comprehensive speech delivered by him in the session before last, upon the subject of legal reforms. Though there was a qualification of the proposal with which that speech concluded in the course subsequently taken, it was apparent that the object of the speech was the appointment of commissions of enquiry into the state of the law, with a view to its improvement. The House was aware that reports had been made by each of those commissions, which in each case did the highest credit to the views of the gentlemen who composed them, and to the mode in which they proceeded to fulfil their duties and accomplish the intentions for which they had been appointed. With respect to the report of the common law commissioners, it embraced several matters of the highest importance to the due administration of justice and to the despatch of business in the superior courts of common law, and the increased activity of those courts. The second report of the common law commissioners would be presented to his Majesty in a few days. It was a report embracing objects of much higher consideration and importance than the first. From the communications he had had with the commissioners of enquiry into the practice of the common law he could inform the House, that the second report, which he trusted shortly to have it in his power to lay before the House, would embrace—First, the expediency of investing the superior courts with new powers of a summary and equitable kind, calculated to economise time and money in legal proceedings, and prevent the too frequent resort to the aid of courts of equity. The second point adverted to by the commissioners was a subject of great importance—it referred to the verification of written documents before trial. The third recommendation related to compulsory arbitration in matters of accounts. The fourth to an abridgment and simplification of the obsolete and useless forms of pleading. There were also other matters introduced in the forthcoming report, which were of scarcely less importance to the due administration of the law, but he had mentioned these, deeming them of the highest consequence. The commissioners appointed to enquire into the state of the law of real property had also made one report, and he trusted he should be able to announce at an early period the production of another, in continuation of their labours upon that important subject.

With respect to both commissions, every member, who had turned his attention to the subject, would freely and readily admit the great importance of our being enabled to consider the whole question of legal reform simultaneously, and in a systematic manner. We ought not to attempt partial reforms, but endeavour to effect a general improvement in the practice and administration of the law. The whole subject of the law—the subjects of enquiry before each commission—were so intimately connected and interwoven together, that until we were in possession of the entire views of the commissioners in relation to them, it would be desirable to postpone partial reforms in the law, and wait till we had the whole question fairly before us. Perhaps there were parts of the system, which, under circumstances of peculiar urgency, we might venture to touch; but, generally speaking, the whole was so interwoven, the several branches of enquiry were so closely connected, and the inconvenience of partial legislation was so great, that he fully concurred with the commissioners in deprecating the adoption of partial and isolated measures, and in waiting till we could deal with the whole subject at once. He must advert to another commission that had been recently appointed, not in consequence of an address to the crown, but directly on behalf of his majesty; it was instituted for the purpose of enquiry into the present state of our ecclesiastical law, with a view to revising the proceedings had in suits in the ecclesiastical courts, from the commencement of a suit till its close. So much for what he might call the preliminary proceedings that had been adopted for the furtherance of legal reform. He purposed, at a future period, to present to the legislature the views and opinions of the commissioners—the results of the enquiries of those intelligent, disinterested, and dispassionate men, on the subject of the superior courts—of the laws of real property—and of the practice and proceedings of the ecclesiastical courts. The immediate object of the bill which he was then about to ask leave to introduce was, to facilitate the future promotion of legal improvement—to lay the groundwork of reform in the practice and proceedings of our courts. Its principle would be to regulate the appropriation of fees now received by individuals holding patent offices for life, or a specific term of years. His experience of legal reforms had satisfied him that the existence of patent offices formed one of the greatest obstacles to improvements in the law. It therefore became absolutely necessary to look at the whole question, and devise a measure by means of which the establishment of vested interests in courts of justice should be brought to an end. In almost every attempt to introduce partial reforms in the law, we were met by vested interests, which impeded our operations. The usual course in such cases was to provide the means of compensation for the holders of patent offices; having enacted the abolition of their fees, we ascertained their value, and gave the parties a claim on the consolidated fund for their amount. But it frequently happened that the effect of taking away the fees of one officer in a court was directly and materially to increase the fees receivable by another officer; and when, at a subsequent period, we came to deal with the interests of the second officer, a claim was raised for compensation, not only to the amount of the original value of the office, but to the extent of the increased profits which he had derived in consequence of a previous reform. He feared that this had been the case more particularly in Ireland, in consequence of the adoption of partial measures of reform. The public had thus been exposed to considerable inconvenience and great pecuniary loss. He was therefore for looking all at once at the whole question of vested interests, with a view to provide a mode by which, without any act of individual injustice, officers should in future hold all legal situations of a subordinate nature in dependence upon those by whom they were appointed, so as to enable parliament to proceed to legal reforms and alterations, without giving to individuals who might be affected by them a claim to compensation. The immediate object of the bill he meant to introduce would be to provide, in the first instance, that no officer who should be appointed after an early day, to be named, should have any claim to compensation, on the ground of proceedings in parliament to alter or amend the practice in courts of justice. As for existing vested interests, he proposed to provide for them in the following manner. He proposed, that commissioners (say those already appointed, in order to save expense) should be empowered to institute enquiries to enable them to ascertain what had been the amount of fees received in a given number of years by the several patent officers in courts of justice, and by

those possessed of vested interests in legal offices, either for life or a term of years. He would confine the enquiry to the amount of legal fees (without committing himself to matters of detail) which had been received for the last ten years, believing that to be the fairest period upon which to take an average: for if we took a shorter period—say one of seven years—the increase which took place in some species of fees in 1825, in consequence of changes then made, would swell the average beyond what it ought to be. Having ascertained the amount of legal fees accruing to the holders of patent offices within the last ten years, he proposed, in future, to have all such fees received on the public account, and that those individuals having a vested interest in the offices from which they arose should be paid respectively according to the average of their receipts for ten years. When we came to the consideration of alterations in the practice and proceedings of our law courts, we might see whether the amount of fees now receivable might not be materially reduced in several branches of those proceedings. Still it would be open to parliament to decide whether it would be expedient, in consideration of the fees now paid, to provide a fund sufficient for the compensation of persons who possessed vested interests in offices—that would be a subject for after consideration. At present he merely proposed that the fees in question should be received on the public account, and that they should constitute a fund for the payment of the officers in the manner suggested. He saw no reason for imagining that such a fund would not be sufficient to discharge the claims of these individuals, estimated upon an average of ten years. In 1828 the number of causes tried in the superior courts considerably exceeded the average of the preceding five years, from 1823 to 1827, both inclusive; so that there was a probability of an increase rather than a decrease of fees. The question of fees once set at rest, parliament would be at liberty to deal with every question of legal reform in future according to its own merits, without being influenced by other considerations. He had brought in a bill to facilitate the recovery of small debts, by improving the mode of process in county courts, and reducing the charges upon legal proceedings for the recovery of such debts. That was a measure which he considered one of very great importance; but it became necessary to investigate the situation of certain officers, whose interests would have been injured by the operation of the bill, and he was afraid to provide a compensation for these parties, lest, by so doing, he should increase the profits of others, and so throw an impediment in the way of future reforms by affording such individuals grounds for claiming additional compensation upon another occasion. Among the measures which it appeared to him possible to adopt, without waiting for the period of full and final reform, was one which at a former period had excited much attention in the House, and in those parts of the country to be immediately affected by it—he alluded to the proposed abolition of the separate and local jurisdiction in Wales, and the assimilation of the jurisprudence of that country with the legal practice and proceedings of the English courts. He was satisfied that those gentlemen who felt most desirous of upholding the independence and dignity of Wales, would enter upon this consideration calmly and dispassionately, for the purpose of discovering whether the time had not arrived when, for the accomplishment of the great object of assimilating the legal jurisdiction of the two countries, and for the interest of Wales as well as England, the English system might safely be introduced into Wales. There were four separate and independent jurisdictions in Wales, and eight judges to administer justice, who enjoyed judicial offices, which might be held in conjunction with a seat in that House, and who were further enabled to practise as barristers in this country. It was also the custom that the Welsh judges should be attached permanently to one circuit, instead of varying the places of administering justice, as in England. He was aware that at present there was only one Welsh judge who occupied a seat in parliament, and he was also aware that it would be impossible to name any one who possessed more honourable or independent feelings than that gentleman, but at the same time he thought, generally speaking, that it would tend greatly to the maintenance of the dignity of the judicial station, if our salutary, wise, and prudent distinctions between the political and judicial character were adopted with respect to the Welsh judges. It would also be a great improvement in the jurisdiction of Wales to prevent the same judge from going permanently and invariably the same small circuit. He had the highest degree of confidence in the honour and integrity of the Welsh judges, but it was impossible for any gentle-

man to avoid forming local and personal connexions when he was in the habit of going the same circuit for several years: sure he was that such local and personal connexions would not be allowed by these gentlemen to act on their conduct or character unfavourably to the due administration of justice; but the House might depend upon it, that it was not enough that the administration of justice should be merely impartial—it was important to prevent the existence of any impression to the contrary—it was important to establish a conviction in the public mind that no personal motives could by possibility influence a judge in the discharge of his duty. He therefore thought that it would be of the greatest advantage to Wales, and to the general administration of justice throughout the country, that the judicial institutions of Wales should be placed upon the same footing as those of England [hear]. Heretofore there was a question whether the legal proceedings of Wales were not more economical in some respects than ours. Doubts had been entertained on the subject; and it was said that there existed in Wales a form of action more economical than existed in this country. If there were, we could have no difficulty in adopting it [hear], provided the change seemed advantageous. If there were any process, by which, following the example of Wales, we could expedite and cheapen justice, there could not be a fitter consideration than that relative to its adoption—we need not deprive Wales of any advantages which she enjoyed at present, at the same time that we conferred additional benefits upon her. The whole object of the law commissioners was to curtail every merely formal proceeding, every practice which was obsolete, antiquated, and purely technical, and not necessary to the right administration of justice. The extension of similar advantages to Wales would hardly be objected to. There was another point to which he wished to refer: on account of the present augmented state of business in the courts of common law, it was his decided opinion (adopted upon considerations wholly apart from the situation of Wales), that it was necessary to add to the number of judges in the superior courts, with a view to prevent the continuance of the present arrear of business. The commissioners proposed not to add to the number of judges who sat together in *banco* in each court, the present number of four appearing to afford great advantages over every other number that could be adopted; because, in a court where the majority was to decide, there could be no better majority than that of three to one. They had also considered the inconvenience which would result from multiplying the number of the judges in the same tribunal, and it was not their wish to make the number of judges five. In proposing, therefore, to add one judge, they did not intend to add to the number sitting in *banco*, but to make him sit as a judge by himself, who should preside over the trial of such matters as might be committed to one judge. But if, on grounds apart from the administration of justice in Wales, an addition were made to the judges, the House would be in a condition to consider whether, when a part of the judges were unoccupied, the eight Welsh judges should be retained. To retain both would be to entail a great expense upon the country, on the supposition that the increased number of judges could perform the Welsh business. These two considerations, therefore, must be combined. If it could be shown that the judges could perform the Welsh business, then, no doubt, considerations of economy were in favour of such an arrangement. The salaries of the eight Welsh judges were £9800. Looking towards the assimilation of the jurisprudence of Wales to that of England, in the last appointments to Welsh judgeships, it had been notified to the individuals nominated, that they would have no claim to compensation in the event of the legislature revising or abolishing the offices they held. By this means there would be an ultimate saving of £9800 a-year to the country, and, to Wales, an ultimate saving of the four separate judicial establishments attached to each circuit. The saving thus effected would very nearly provide for the salaries of the new judges who would be appointed, if the House should agree to the proposition which would be made on that subject. Again, in that spirit of economy in which he trusted the House would give the ministry the credit of looking at this, as well as at every other subject that came before them, they had adverted to the act by which the salaries of the judges had been raised to £5500. They had taken into their consideration the objections which had been urged against that statute, considering that it was perfectly open to public men to review and to reconsider any measure, whatever part they might have taken in it. The result of their

consideration was this—that a salary of £5000 for all judges hereafter to be appointed would be quite enough to provide for the maintenance of the dignity of the office, and apportion the salary to the retiring allowance. It was the intention of his majesty's government, therefore, to bring in a bill which would fix the salaries in future at £5000 a-year. He mentioned this circumstance only for the purpose of showing that there was no unwillingness on the part of the government to assign due weight to all practicable propositions for reduction. And now, as he was upon the subject of the administration of justice, he might, perhaps, be allowed to avail himself of the opportunity of calling the attention of the House to a matter which was not immediately connected with the bill which he was then moving for leave to bring in. With the permission of the House he would state the amendments which it was proposed to make in the criminal law. This subject had now for some years occupied the attention of the House. In 1825, an Act passed, the object of which was to consolidate the laws relating to criminal offences. This act, among other things, removed many technical difficulties, regulated the expense of prosecutions, as well as rewards for the apprehension of offenders, and it regulated the proceedings in estreating recognizances. This was followed by four other Acts. The first abolished what was called "benefit of clergy," and certain other forms, and provided that a pardon under the sign-manual should have the same effect as a pardon under the great seal. The next consolidated the laws relating to burglaries, to embezzlement, and to other criminal acts against property. The third consolidated and amended the acts relating to malicious injuries to property, and regulated actions brought against the hundred. The fourth related to offences against the person. Thus considerable progress was made in the amendment of our criminal jurisprudence. By the Acts which he had introduced, he had the satisfaction of stating, that no less than two hundred and seventy-eight acts had been repealed, and that all the provisions of these two hundred and seventy-eight acts worth retaining had been included in eight acts. He thought he might say, that, practically, no inconvenience had resulted from the repeal of these two hundred and seventy-eight acts, and the substitution of the eight in their place. In the present session he hoped, with the assistance of his right hon. friend the master of the mint, to introduce a bill which would consolidate and amend the laws relating to the coin of the realm, in which it was his intention to propose the removal of the penalties of high treason from the offence of coining. He should also introduce a bill consolidating and amending the laws relative to the office of justice of the peace; and a bill to consolidate and amend the laws relating to forgery. If these bills should meet with the approbation of the legislature, and pass into laws, he thought that he should not be overrating the progress that had been made in the amendment of our jurisprudence, when he said that nine-tenths of the cases which came before the courts would have been brought within the laws consolidated since 1825. There was only one other subject to which he was anxious to call the attention of the House. It related to another part of the kingdom. The House would recollect that, in the last session of parliament, a measure was proposed which had for its object to increase the salaries of the Scotch judges. At that time it was impossible not to perceive that it was the general wish of the House that the consideration of the subject should be postponed. There appeared to be an impression that other measures relative to the jurisprudence of Scotland were called for; that such measures ought to be speedily brought forward, and that they should be disposed of before any steps were taken to increase the salaries of the judges in Scotland. Since the period at which that debate had taken place, much of the time and attention of the government had been devoted to a general review of the Scotch jurisprudence; and he trusted that he—or, he should rather say, his learned friend, the lord advocate—would be able, in the present session, to propose measures which would materially improve the administration of justice in that country. It was their opinion, an opinion which had met with the concurrence of the highest legal authorities, that the time was now arrived at which the jury courts should be abolished, and trial by jury, in civil cases, transferred to the court of session. In proposing the transfer of jury trials to the court of session, the object was to facilitate the adoption, and to secure the maintenance of trial by jury. The time must come at which trial by jury must be ingrafted on the administration of justice

in Scotland, and, in their opinion, the present was the best time. The jury system had been tried now for fifteen years in that country, under the chief commissioner of the jury court, and, so far as he could form an opinion on the subject, he thought that great advantages had resulted to Scotland from that mode of trial. On the abolition of the jury court, the present chief commissioner would be entitled to a large proportion of his salary, as a retiring pension; and they proposed, therefore, to retain his services, by transferring him to the court of session, to give his assistance in civil trials. The next alteration they proposed to make was, to abolish the separate jurisdiction of the admiralty court in Scotland. They proposed to transfer to the court of session all the civil part, and to the justiciary court all the criminal part of the jurisdiction at present exercised by the admiralty court. They thought that the sheriffs might perform all the duties of the admiralty court, and that by these arrangements no inconvenience could possibly result from the abolition of this court. They also proposed to alter the consistorial court. The proposition was, to reduce the number of judges in that court from four to one, and to send the original jurisdiction, now exercised by that court in cases of legitimacy, marriage, and divorce, to the court of session. By these alterations in the admiralty court and the consistorial court, it would be seen that the business of the court of session must be considerably increased. In the court of exchequer, two alterations would be proposed. They should propose that the number of barons in that court be reduced by two. They thought it in the highest degree desirable to retain that court, not only in conformity with the articles of the union, but in consequence of its acknowledged utility; but at the same time, they were of opinion that two judges, instead of four, would be quite sufficient to transact the business of the court. From these reductions it would be seen, that ultimately a very considerable saving would be effected, and yet he hoped that the reductions would not stop at this point. Notwithstanding the vast increase of business which would be thrown upon the court of session, in consequence of these alterations, he hoped—but he would not pledge himself on this point—he hoped that they should be able to effect a reduction in the number of the judges of this court. He hoped that they should be able to reduce the number of the lords of ordinary from seven to five. He trusted, therefore, that in consequence of these reforms and reductions, the House would not oppose the proposal for an increase in the salaries of the Scotch judges, since he apprehended that the effect of the meditated alterations would be a saving to the country of many thousand pounds. He must also add, that he trusted he should be enabled to reduce the number of principal clerks in the court of session by two. He believed that he had now presented to the House in a general manner all the subjects which at a future period would be submitted to them in detail. He had purposely abstained from entering into detail on the present occasion. Avoiding all technical expressions, he had endeavoured to offer a popular view of these matters, and to give such an outline of the proposed alterations as would be intelligible to those who had not had a professional education. The time would of course come at which all the proposed measures must be discussed separately and in detail. He trusted he had said enough to show that the government had considered these subjects solely with a view of making the administration of justice equal, impartial, expeditious, and as little expensive as possible [hear]. Whatever might be our attachment to the free institutions of the country, sure he was, that there was no part of those institutions more intimately connected with the comfort and happiness of Englishmen than that which enabled individuals to protect the rights which belonged to them, and to obtain redress for the infliction of wrongs. The earnest desire of the government was to secure comfort and happiness to individuals, and prosperity to the country; and when they approached the administration of justice in the country, with the view of amending it, he thought they could not give greater evidence of the sincerity of that desire, than by making justice as cheap and as expeditious as possible. He had now only to move “for leave to bring in a bill for regulating the payment of fees to officers in the superior courts of common law.”

Having been complimented by Mr. Brougham, Mr. Ferguson, and others, Mr. Peel, in reply to Mr. Hume said, that he had avoided going into any detail as to the construction of the Scotch Courts, but referring to what fell from the hon. member for Aberdeen, he should have no objection to such returns as those for which

he intended to move, but he feared that the returns of the number of hours which the Scotch judges sat in the court of session would not go far to establish the hon. member's case—that the number could be reduced to half. Their attendance in court would not show the amount of the business they had to perform. Great part of the business of the Scotch courts was done in writings; and, besides the hours of attendance, the hon. member should know how much of the time of the judges was occupied out of court in examining those written documents. Besides, it should be borne in mind that the Scotch courts had much business in law and in equity, and that many matters connected with elections were brought before them. If, therefore, the hon. member wished to see the whole extent of the business of the Scotch judges, he should alter the form of the returns for which he had expressed his intention to move. He would say a word on what fell from the hon. member for Clare, and he must say that he was glad to hear the tone of temperance and moderation with which he had adverted to this important subject. The hon. member had acquired fame and popularity by his conduct elsewhere; but he could assure him that he might acquire greater fame and greater popularity by giving his efficient aid to reform the state of the law of the country. With respect to the hon. and learned member's suggestion about special pleading, he must observe that he was not prepared to go so far. This, however, was a subject into which he would not enter, as it was one with which he was not sufficiently acquainted. However, much information on that point would be derived from the report of the commission on the common law courts. The suggestion of the hon. member as to codification, was one in which he could not go with him. It was no doubt very popular, but the hon. and learned gentleman should consider what had been the result where it had been adopted. Let him only see what had been the extent of the comments on the Code Napoleon. In short, the more concise any legal code was made, the more its interpretation was left to the discretion of the judge. Now, he had often heard it objected to English judicial administration, that too much was left to the discretion of judges; but the more we allowed general rules of law to form our code, the more we must necessarily leave to the discretion of judges, and thus the adoption of a code would be open to one of the hon. and learned member's strongest objections—that of an *ex post facto* law for a new case in the discretionary interpretation of the judge. There was a medium to be observed between the system, too much in practice in former times, of making a specific act for each case as it arose, which produced that mass of legislation that we were now endeavouring to consolidate, and that of making a code which would be too concise to embrace more than general principles.

Leave was given to bring in the bill.

PARLIAMENTARY REFORM.

FEBRUARY 18, 1830.

The Marquis of Blandford having moved for leave to bring in a bill to restore the constitutional influence of the Commons in the Parliament of England, and Mr. Hume having seconded the motion, a debate of considerable length ensued, in the course of which,—

MR. SECRETARY PEEL said, he was unwilling to give his vote unaccompanied by a few observations, lest he should be deemed to be acting disrespectfully to the noble marquis who had brought the motion forward. But as he disapproved both of the object which the noble marquis had in view, and of the mode in which he sought to accomplish it, he should imitate the fairness of the noble marquis himself by declaring that he should give his most decided opposition to this bill in its very first stage. He certainly did not expect to have had a general discussion that evening on the question of reform; and he thought that the desultory speech of the hon. member for Westminster was a sufficient proof that it was not convenient to have such a subject thus irregularly discussed. The bill had a most extraordinary title; it professed to be a bill, not for preventing but for regulating abuses in the elections of members to serve in Parliament. The House then was called on, not to put down but to regulate and preserve abuses by the noble marquis's bill. The speech made in support

of it by the hon. member for Westminster was particularly open to the objection that there was in it "*eloquentiæ satis, sapientiæ parum*," [a laugh]; for though there was in it of declamation much, of argument there was less than he had ever heard in any former speech of the hon. baronet. If he had stepped into the House accidentally, and without knowing the subject of the debate, he should have supposed the hon. baronet to have been delivering an eloquent speech, not in favour of, but in opposition to a reform in Parliament. The hon. baronet admitted, though the House was improperly constituted, that it contained men of the greatest talent in the country—individuals whose respectability in private life could not be questioned—members who, to use the hon. baronet's own phrase, were addicted to all the qualities which were calculated to raise the character of the country, and who were equal to any others in any part of Europe. It was an important admission, coming from the hon. baronet, that the present system of representation assembled men of eminence, talent, and private virtue, [Sir F. Burdett nodded assent,] actuated by the purest views; [Sir F. Burdett, "No, no;"] and what rendered this admission the more extraordinary was, that the hon. baronet concluded it by contending that the mode in which these eminent, and able, and virtuous men were sent here, vitiated all their good qualities, and rendered them noxious and dangerous! When the hon. baronet entered into a history of the constitution of the House, his arguments were all in favour of the small boroughs. The hon. baronet was one of those individuals who would go down to posterity as one of the most distinguished men of his day: and yet he had told them, "When I was first returned to this House, I was returned for a small borough, owing no obligation to the party who returned me;" and he had then proceeded to contrast his election for that small borough with his election for a populous county. He said, "I was a candidate for the representation of a large county. I carried my election at a large expense; and yet," he added, twice over, "for the honour of representing that county I would not give twopence." Under such circumstances, seeing that the hon. baronet valued his election for a small borough more than he did his election for a populous county—seeing that Mr. Pitt, whose talents the hon. baronet admitted to have been sufficient to render him, if he had been properly disposed, the saviour of his country, had first entered Parliament for Appleby, and that many other eminent men had made their first Parliamentary *début* in a similar manner—seeing that Mr. Fox, when excluded from the representation of a large town, found refuge in a small borough—he thought that the hon. baronet and the House ought to weigh well the practical good effected by the existence of these small boroughs before they involved them all in one sweeping condemnation. As to the motion of the noble marquis, he was quite certain that the House would never agree to it. The noble marquis moved that the House should devolve on a committee of twenty-one members, chosen by ballot, the power of destroying all the boroughs which that committee should suppose were incapacitated by corruption, or otherwise, from sending members to Parliament. He would never be a party to that wholesale depreciation of the elective franchise; and he would never give his assent even to the first stage of a bill which conferred such power upon any committee. A committee so constituted might inflict great wrong and injustice. It might be a ministerial, it might be an opposition committee—but be it what it might, he would never consent to allow any committee to report to any Secretary of State, that a borough had forfeited its privilege, and to order him to give notice in the gazette, that such a borough had forfeited its share in the representation. Next he objected to the noble marquis's plan for paying members of parliament. They had that night been occupied in discussing the propriety of reform; and yet the bill which was to effect that reform contained a proposition, enabling them to appropriate to themselves £250,000 annually—a very modest proposal, and one well calculated to recommend the House to public confidence! The noble marquis was for allowing two guineas a-day to every borough, and four guineas a-day to every county member; thus showing that he estimated a county member at double the value of a borough member. Now, taking three guineas as the average sum paid to each member, supposing the House to sit six days in every week, and the session to last for twenty-five weeks, the sum annually paid to six hundred and fifty-eight members would amount to a little more than £250,000 ["hear," and laughter.] On these grounds, and thanking the noble lord for the manly and straightforward

manner in which he declined proposing the appointment of a committee for the purpose of catching a few stray votes—thanking him for having openly declared his plan of reform—he would state, with equal fairness and equal sincerity, that it was his intention to take the sense of the House on the motion, and that he was opposed to bringing in the bill.

Lord Althorp moved, “That all the words after the word ‘that’ be omitted, in order to insert the following:—‘It is the opinion of this House that a reform in the representation of the people is necessary.’”

The House then divided on the question “That the words proposed to be left out stand part of the question,” when the numbers were—for retaining the words, 160; for omitting them to make room for the amendment, 57; majority, 103. The original motion was then negatived.

COMMUTATION OF SENTENCES.

FEBRUARY 19, 1830.

Mr. Stanley called the attention of the House, and of the right hon. Secretary of State for the Home Department, to a petition from an individual very peculiarly circumstanced. The particulars of the case are shown in Mr. Secretary Peel's reply.

MR. SECRETARY PEEL said, that he believed the hon. member had correctly stated all the facts of the case, as far as the petitioner was concerned. The petitioner, whose name was Wild, was capitally convicted in the year 1824, under Lord Ellenborough's Act, of stabbing his uncle, in whose employment he was. He (Mr. Peel) would purposely abstain from detailing the evidence on which the petitioner had been convicted, in order that he might not create a prejudice against him. Sentence of death having been recorded against the prisoner, the judge before whom he was tried afterwards entertained some doubt whether he were sane at the time of the commission of the offence. That judge, as the hon. gentleman had stated, was Mr. Justice Bailey, whose complete knowledge of the law, and whose great humanity in the administration of it, every one must acknowledge [hear, hear]. Under the influence of the doubt which he had described, Mr. Justice Bailey determined not to leave the petitioner for execution, but commuted the punishment to imprisonment for life with hard labour. The hon. member said that was illegal. He (Mr. Peel) did not think that its perfect legality could be questioned. He entertained this conviction, because he had received eight or ten letters on the subject from Mr. Justice Bailey himself; and he was sure that if the learned judge had entertained any doubt of the legality of his proceeding, he would have conferred with the other judges on the subject, and would have communicated the result of that conference. Capital sentence having been passed upon the petitioner, he (Mr. Peel) could not understand why to commute that punishment for imprisonment for life was illegal. He had submitted the case to the law-officers of the Crown; and they entertained no doubt of the legality of the commutation of the punishment of death for any punishment of less severity. In treating of the general doctrine of pardons, it was observed by Blackstone, “A pardon may also be conditional; that is, the King may extend his mercy upon what terms he pleases; and may annex to his bounty a condition either precedent or subsequent, on the performance whereof the validity of the pardon will depend; and this by the common law.” He believed, therefore, that the sentence was a perfectly legal one. He had referred the whole of the facts to the hon. and learned gentleman who was then the attorney-general and his learned colleague, and they never had a doubt as to the legality of the proceeding. But they stated, that after a judge had commuted a punishment, it was not in the power of a Secretary of State to make a further commutation. The hard labour, however, had been remitted. A word on general cases of this kind.—No situation could be more painful than that of a man acquitted of a crime on the ground of his insanity; and the present was a case similar in its character. If so acquitted, he still became a prisoner for life. He regretted to say, that many unhappy persons were in that condition. Now, a man might be acquitted of murder, or some other capital offence, on the ground of his being insane at the time, and might be imprisoned in consequence; but he might afterwards become

perfectly sane, and apply for his discharge. The Secretary of State had then a very painful duty to perform; a duty which required the exercise of much caution. He remembered the case of a woman tried for arson, and acquitted on the ground of insanity, who was released from confinement by his predecessor in office, on its appearing that she had become perfectly sane. The first thing, however, that she did after her liberation, was to return to the place where she had committed the offence for which she had been tried, and in the most extraordinary and deliberate manner again set fire to the same premises. Another, who had been acquitted of murder on the ground of insanity, and afterwards liberated when it was presumed that he had become sane, had been detected in a contrivance to murder three persons. A person in confinement might appear perfectly in the possession of his senses; but when he returned into the world, and was exposed to all the irritation resulting from mixing in society, his insanity might return, as frequently happened. In his description of his own case, the petitioner stated that he had formerly been wounded in the head, and that when he took a little liquor he did not know what he was doing. Some caution was necessary before such a person was again let loose upon society. He (Mr. Peel) had applied to the prosecutor for his consent to the liberation of the prisoner; but the answer was, that he had a wife and nine children, and that he should not consider his life safe if the prisoner were released. He (Mr. Peel) would most willingly have commuted the imprisonment for transportation for life, had such a commutation been legal, but having consulted the law officers on the subject, they decided that he had no authority to do so. He had intimated to the prisoner, that although he could not commute his sentence, yet that if he could obtain ample security that the prisoner would immediately embark for New South Wales, and would remain there, he would consent to such an arrangement. No man, he added, was in any danger from the prisoner, except an individual against whom he entertained some particular feelings of revenge. The House, he trusted, would pause before they asked for papers in a matter so exclusively belonging to the prerogatives of the Crown.

The petition was ordered to lie on the table.

COMMITTEE OF SUPPLY—ARMY ESTIMATES.

FEBRUARY 22, 1830.

In a committee of supply Sir H. Hardinge moved, "That a sum of £3,015,333 2s. 7d. be granted to his majesty for defraying the charge of the land forces at home and abroad (excepting the regiments employed in the territorial possessions of the East India Company), from the 25th of December, 1829, to the 24th of December, 1830."

Colonel Davies entered his protest against the extravagant character of the estimates.

In the debate which followed, Mr. Hume spoke at considerable length, and concluded with moving as an amendment, to substitute the sum of £2,550,000, for the sum of £3,015,000.

On the amendment being put from the chair,—

MR. SECRETARY PEEL said, he had no doubt but his right hon. friend the secretary at war, would be enabled to give the committee a satisfactory explanation with respect to the details comprised in the latter part of the speech which had just been delivered by the hon. member for Montrose. But in the preceding part of that speech the hon. member had indulged in some observations of a very different nature, which he could not listen to without emotion and astonishment, as they were of a character such as had been never before uttered, within his recollection, in that independent and honourable assembly. When he heard the extraordinary language employed by the hon. gentleman, he could not help thinking that the speaker stood before them in the uneasy character of a disappointed prophet, who desired some compensation for his inconsiderate declaration that he expected no reduction whatever from the present ministry. He had found, however, that the prodigal ministry, so vituperated, had made reductions to such a considerable amount, as to cover him with confusion at the discovery, and he sought to regain his usual complacency in

the manner which they had that night witnessed. In this awkward attempt to conceal the failure of his prognostics, he had, however, expressed himself in terms which the hon. member, he felt assured, would in cooler moments regret. As to the estimates, against which he now directed such a vehement opposition, he ought surely to call to mind that they were lower than in the year 1804, and might have had the candour to acknowledge the subsequent reductions. Indeed, comparing the whole amount of the present estimates, including extraordinary and all the other items of expenditure, he had himself no hesitation in pronouncing these to be less than those of 1794. But, said the hon. gentleman, why not reduce the estimates to the state in which they stood in 1822? This triumphant question could be readily answered, by stating for the information of the querist, that the estimates then under consideration were lower than the estimates of 1822 by at least £150,000 [cheers and laughter]. The hon. gentleman admitted that he had been absent, forsooth, at the commencement of the debate, as he supposed that the House would have been occupied by the discussion of another motion which stood amongst the notices for that day, and which, it was understood, would have taken precedence. But wherefore had the hon. gentleman advisedly absented himself on such an occasion, aware, as he must necessarily have been, that the motion referred to was no less condemnatory of ministers than his own? [hear.] What could have been his reason for an absence so inopportune, if he really believed the ministers in truth guilty of the unthriftiness or profligacy which their opponents had imputed to them? Did he mean to waive the arguments of both sides, and betake himself to his post at the fug end of the debate, only for the deliberate purpose of voting the condemnation of his majesty's advisers, without hearing a syllable of their defence? [hear, hear.] Such a course of conduct, he submitted, was scarcely accordant with candour and fair dealing. But the hon. gentleman did not stop here, for he took upon him to impute corrupt motives—and that, too, in no very niggardly terms—to the majority who had voted in support of government on Friday [hear]. This invidious and most unjustifiable assumption he deprecated as equally unbecoming and untrue. Many gentlemen who voted with ministers on the division alluded to, were generally adverse to government, as every individual who heard him well knew; and such gentlemen, although they had the misfortune to differ from the hon. member for Montrose, were in all respects as conscientious, and upright, and independent, as himself [hear, hear]. It was assuredly too much for any member of that House, not only to censure and condemn the conduct of others, but to asperse them individually, to charge them with corrupt interested motives, to describe them as actuated by unworthy personal views of aggrandizement, when there in the open exercise of a public duty [hear, hear]. He, it appears, would propose a reduction in the army of ten thousand men, and so compute it at seventy-six thousand instead of eighty-one thousand, whilst others would leave it at eighty-one thousand. Now it was rather hard that for such a difference of opinion imputations of so foul a character should be cast on the motives of those who, in common with the hon. member, availed themselves of the privilege of judging for themselves. Those votes, he contended, were as honestly given as any which had ever emanated from opposition, being influenced neither by a desire that relatives should continue in the receipt of public pay, nor by any other personal interest whatever. Such was the uncourteous conduct of the hon. gentleman to the members of the House of Commons, and it were well if he had been content with depreciating and vilifying his opponents within doors. But a part of his speech, he lamented to perceive, was addressed to another class of the community, and evidently uttered in a spirit little calculated to elevate the speaker in the opinion of the rational and dispassionate. The hon. gentleman had made an appeal, intended to operate without the doors of that House; he had actually made an appeal to the physical strength of the country, under circumstances which should have induced him to suppose that it might not fall entirely ineffectual from his lips; under circumstances, moreover, which reflected the deepest discredit on the source from whence those perilous counsels had originated [hear, hear]. Was it, he fearlessly asked, the part of a wise or a humane man to play with such instruments? [hear]. How could that hon. member reconcile to his conscience this endeavour to incite a population which he described as in distress, and even starving, to rebellion; for his inflammatory language amounted

to nothing short of that deplorable extreme? It was truly bold advice which had flowed freely from the hon. gentleman, but how had he put it? Was he himself willing to encounter the dangers which he was so forward to excite;—did he intend to participate in the storm which he so valiantly invoked? No: far from it. His exhortation was conducted in a very different tone, and might rather be paraphrased in such language as the following:—"I, who instigate you to rebellion—I, who invite you to take up arms, am myself safe from the penalties of treason, and not even the attorney-general can lay hold on me, sheltered as I stand behind the shield of my privileges" [cheers]. Such, it must be acknowledged, was not the language of the hon. baronet who represented Westminster. That gentleman—be his counsel what it might—had the manliness to take upon himself the entire responsibility, and abandon the screen of parliamentary privilege, by stating that he would abide by his opinions within doors or without, and publish what he had said, avowing himself the author [hear, hear]. This was at least frank, candid, and straightforward; but the hon. member for Montrose was content to wrap himself round with his privilege as a member of parliament, most unfeignedly disclaiming participation in such chivalry. Ministers, the committee might be assured, deeply lamented the distresses of the people, and sympathised in their sufferings—sympathised with them the more on account of their moderation and forbearance under the pressure of calamity: but what was the counsel of the member for Montrose? Don't be moderate, don't be temperate,—have recourse to arms! But will the hon. gentleman assert himself the champion of those whom he thus addresses—will he put himself at their head? Oh no! he will stand upon his privilege, but adds that he will be glad to hear of their resistance [cheers]. Those, he confessed, were not the exact words employed by the hon. member, but he had expressed himself to exactly the same effect in substance.

Mr. Hume, interrupting the right hon. secretary, disavowed the inference which the right hon. gentleman drew from his remarks, but he repeated that he was not inclined to retract a syllable of what he had said.

Mr. Peel professed himself unable to understand what the hon. member had intended to convey, if his interpretation were erroneous. He had certainly stated "that when ministers, as in the late instance, were capable of procuring a corrupt majority, no other resource remained for the people except an appeal to arms." Language such as this was, in his opinion, open to no inference but one. But if that address to the passions of a suffering people should be answered by their raising the standard of rebellion, what alternative, he demanded, would remain for government but that of meeting it with prompt, powerful, and successful resistance? In that event, he apprehended, the hon. member could hardly reconcile to his own conscience his declaration from his place in Parliament, that he should rejoice to hear of such resistance [hear hear]. In the present excited state of his feelings he found himself quite unable to enter into the details of the subject before the Committee, and would accordingly leave that task to his right hon. friend. But he could not conclude without expressing his belief that the hon. gentleman would find little support in his inflammatory appeal to the people, who, he was sure, even under their present adverse circumstances, were too generally conscious of the advantages derived from the Government and Constitution to listen for a moment to those dangerous and intemperate suggestions. Nevertheless, if any portion of the population, however inconsiderable, should prove so infatuated and misguided as to hearken to that pernicious counsellor, and undertake a hopeless, a ruinous, and he would add, a wicked resistance, he could not envy the responsibility of him who had excited it [hear].

Colonel Davies said, he had always heard that a total loss of temper indicated a consciousness of a defective cause, and he could not refrain from applying the observation to the right hon. gentleman, who had made such an unwarrantable attack upon him; for he understood that he also was included in the animadversions directed against the hon. member behind him. In justification of what he before said, he could only repeat that he had argued as the people of England would argue, when they heard of the majority who had opposed themselves to any enquiry into the present distressed state of the country.

Mr. Peel disclaimed having made the slightest allusion to the speech of the gallant

officer, as he was not present on the occasion referred to, and might not have remembered it even if he had been [laughter].

In reply to a further speech by Mr. Hume,—

Mr. Peel said, that he had before felt satisfied that the hon. member would, in his cooler and more candid moments, disavow or explain what fell from him. The event had shown that he had not made a false estimate of the hon. gentleman's right feeling. He did not discuss the question of responsibility; he did not put any case hypothetically, but he thought he heard the hon. gentleman say, that the vote of Friday night was one which justified an appeal to physical force. It appeared that the hon. gentleman's meaning was different. He begged distinctly to declare that he had never used the words coward, or rebel—he was not in the habit of using such language, and he should much regret to hear such terms applied to the hon. gentleman after his explanation of the words physical force.

The Committee then divided,—For the Amendment, 27; against it, 159; majority, 132.

The Resolution was then agreed to.

BOROUGH OF NEWARK—DUKE OF NEWCASTLE.

MARCH 1, 1830.

Mr. Poulett Thompson brought up a petition from the inhabitants of the Borough of Newark, complaining of undue influence exercised by the Duke of Newcastle, as the lessee of certain Crown lands, in the election of members of Parliament for that borough. In the debate which followed,—

MR. SECRETARY PEEL said, that the first question the House had to decide was, should the petition be brought up? the next question was, should it be referred to a committee? The discussion had better be confined to the first question; and he should so confine it, as conforming to what he thought was the general sense of the House. His principal object in rising was, to prevent its being supposed that he supported the petition. He meant to decide the question without making it a political question. He had read the letters of the noble duke, and he saw no reason why, from the profession of the noble duke's political tenets, he should be favourably disposed towards him; but he saw no reason, at the same time, why the petition should be considered in a different light from other similar petitions, and he should go to a vote on it on the principles of common sense and reason. There were two questions involved in the petition in relation to the Crown-lands—one, whether a case had been made out to call for the interference of Parliament; and the other, if the House, after establishing the interference of the duke, should take any other step: and with respect to the Crown-lands, the case was, he thought, a complete failure. The hon. member who had said he was vehement because he represented a populous place, had admitted that he had found all the Commissioners of Woods and Forests courteous and attentive. [Mr. Hobhouse: undoubtedly he had always found them very civil.] Well, civil and attentive to the interests of the hon. member's constituents when he had occasion to call on them. The hon. member who spoke last, and represented the borough of Southwark, must know that the Crown had a considerable property in that borough, and yet it had not interfered with his election. He would say the same of Dover. If the hon. member who presented the petition, and represented that place, had found any such interference, he would, no doubt, in a parenthesis, have managed to inform the House of it. He had found no disposition to exert the influence of the Crown in his election. So much for the influence of the Crown over elections. With respect to the property which the Duke of Newcastle held under the Crown, he had received the lease in 1806, and it was to run for thirty years. At the period of granting the lease, it was not said that any larger tender than that offered by the noble duke had been made. It was not said that the Crown required less of the duke than it could obtain from other persons. When the lease was renewed, the sum was raised to £2,000. Lord Grenville was then First Lord of the Treasury, and as he was opposed to the noble duke in politics, the House might be certain that no favour was shown him, and

that the lease was not renewed but at its full value. The lease was granted in 1806, and it was granted in the interest of the government. It was the duty of the commissioners to attend to that. In fact, the Crown was quite unfettered, except as to the duration of the lease, and it had been granted on the same principle as governed the granting of all similar leases. He could say also, that there were no negotiations pending for the renewal of the lease; no engagement had been entered into, and there was no implied engagement between the Crown and the Duke. His noble friend had also stated, that it was the duty of the department over which he presided to consult the interest of the Crown, and let the Crown-lands to the greatest advantage. If, for example, the ground could be built on so as to yield a larger sum than that given by the noble duke, it would be the duty of the Board to let the ground on a building lease. There would be no difficulty in such a case, he believed: but that the House of Commons should address the Crown to affix a brand and stigma on the Duke of Newcastle, to say that he is not to have the lease of these lands, was what he could not consent to. The duke was in this respect entitled to the same privileges as others, and must be left capable of taking lands from the Crown like any other person. He apprehended that the property of which the duke had a lease for thirty years could not be distinguished from his other property, and it was no breach of the privilege of that House for him to use the influence which that property gave him. It was impossible to preserve any distinction between the property leased from the Crown and other property. The duke might let it to tenants at will, or for a term of years, and might deal with that as with any other property belonging to him. There was on this ground no reason for the House of Commons to interfere. Then it was said, that seven individuals had received notice to leave their houses [Forty!—several voices called out]. No; he begged leave to say only seven. What had been proved to show that the duke made any improper use of the property held under the Crown? The petition went to pray, that, having made an improper use of this land, his lease might not be renewed. He believed that the House would not think it necessary that he should make any excuses for the privileges which were derived from property over which the Crown had no control, and which were exercised in the same way. The Duke of Newcastle had a right to use his property, whether hired from the Crown, or derived from any other source, as he liked.—The hon. member (Mr. P. Thompson) founded his argument for the interference of the House on the ground that these persons were dispossessed because they had refused to vote for their landlord; but he did not see that there was any proof of that—nor was there any proof that menace had been employed in order to make them vote for the Duke of Newcastle. The hon. gentleman had, however, assumed that there was some menace, and that they were required to vote; for if it were not so, why, he asked, were they dispossessed? Now, supposing that such was the state of the case, and that the Duke of Newcastle had used improper and unconstitutional means to procure the return of the member he fancied, was it not the duty of those who felt aggrieved by such conduct to proceed in that course which had been provided by the House for such grievances? Was it not their duty to present a petition and complain of an undue return at the election? If they had adopted that course, then the whole expense of the petition would have justly and properly devolved on the parties who had an interest in the question which the committee would be called on to decide. But what would be the consequence of the adoption of that motion brought forward by the hon. gentleman? Why, by applying to Parliament at this late period for the appointment of a select committee to enquire into the merits of the petition, the whole of the expense would be thrown on the public. If the House were prepared to maintain the inviolability of that jurisdiction on the subject of election petitions which he thought admirably qualified for the accomplishment of all the purposes it had in view, he was of opinion it should scrupulously abstain from any interference, or, at all events, that it should be well satisfied of the imperative necessity of putting these disappointed parties in possession of such a power, after so long a time had elapsed, and after they had abstained from having recourse to the measure which Parliament had provided as a remedy for such complaints [hear]. He would beg the House to observe the peculiar distinction between the two courses to which he had alluded. If the parties had appealed by the ordinary method of petition, Parliament had provided a tribunal before which

the merits of that petition are tried, and the parties examined to the truth of all allegations on their oath. But then, on the other hand, he would beg them to look at the consequences of adopting the motion for a Select Committee to enquire into the merits of the Petition. The consequence would be, that they would send the facts to be enquired into before a tribunal where the evidence could not be taken on oath, and where the whole of the proceedings were likely, therefore, to be subject to great objections. If they consented to adopt such a course at the present moment, and in such a case, they at the same time would go far to supersede that peculiar jurisdiction which, in his opinion, the House ought, by every means in its power, to fortify and defend. He was not prepared, with the limited information he possessed, to say, whether the Duke of Newcastle had or had not dispossessed any of his tenants in the manner which the hon. member had been induced to state. That the duke had treated his tenants in that manner, he repeated, he was not prepared to admit or deny, although, perhaps, from the fact of there being several untenanted houses, it might be presumed that those who had occupied them were ejected by their landlord. He confessed, however, that there was a question connected with that subject which appeared to him even more important than any thing connected with the privileges of the House. The right of property in every man, whether a Peer or a Commoner, was to be held sacred. There was, he repeated, no proof of any menace being used—none that those persons were dispossessed because they refused to vote for their landlord. Seven tenants were, he believed, the whole number who had been deprived of their houses out of seventy. But passing over that, if the House were prepared to say that those who exercised on such occasions their just right of property were to be subjected to the interference of Parliament, whenever it pleased the parties to come before it, it would place itself in a situation equally embarrassing and inconvenient, and lay the foundation of a very dangerous precedent. He would say, they could not do any thing more dangerous or prejudicial than to leave it to be inferred, that a tenant who refused to vote for his landlord had a right to remain in possession of that landlord's property in defiance of his wishes. Henceforward every tenant who chose to vote against his landlord would answer when he was called on to leave that landlord's property, "Oh, you wish to make me a martyr to your party prejudices in this case. I recollect what was done in the case of the Duke of Newcastle and the people of Newark, and I shall bring you before the House of Commons." So far, therefore, from protecting a good tenant, and maintaining the purity of election, they would be giving a premium to a bad tenant to retain possession of his landlord's property, and yet control and thwart his wishes whenever it might suit his prejudice or caprice to do so. While he alluded to this matter with reference to its effects on the right of property, he begged it to be understood that he did not see any material difference in its application, between a Peer of the realm and any great landed proprietor. The hon. gentleman had referred them to a Resolution of the House; but if a tenant owed an obligation to a landlord, he was bound to repay it; and if the hon. gentleman hoped, by any means he could devise, to exclude the duty owed by the tenant to the landlord from operating in the disposal of his vote, he was confident he would be disappointed; and standing in his place in that House, he was not ashamed to avow that he hoped he would be disappointed [hear]. He thought that property, whatever might be the nature or extent of the constitutional part of the question, ought to have a due influence in the State, whether the possessor were a Peer or a Commoner; and he could not bring himself to believe that the Resolution of the hon. gentleman had alluded to was intended to exclude that species of influence. In conclusion, the right hon. gentleman observed, that he was not prepared to give his vote for a committee which never could properly determine the question at issue, independent of all the objections which might be taken to its appointment. That committee never could determine either the motives of the Duke of Newcastle in ordering the ejectments, or the facts which preceded it, and therefore, upon principles of common sense and reason, and divesting the question of all private or political prejudice, he should feel himself bound to give his vote against the motion for referring the Petition to a Select Committee.

The Petition having been read, Mr. P. Thompson moved that it be referred to a Select Committee.

The motion was negatived on a division by 194 against 61; majority, 133.

NAVY ESTIMATES.

MARCH 1, 1830.

In a Committee of Supply, Sir George Clerk moved, "That 29,000 men be employed for the service of the present year, including 9000 royal marines." The aggregate amount of the estimate was £5,595,000; and the aggregate saving, as compared with last year, was £282,930.

Mr. Hume moved as an amendment: "That the number of men proposed should be voted, not from the 1st of January, 1830, to the 1st of January, 1831, but from the 1st of January, 1830, to the 30th of June, 1830."

MR. SECRETARY PEEL, in reply to Mr. Maberly, said he always felt pleasure in communicating any information he could, consistently with the proper performance of his public duty as a Minister of the Crown. The hon. gentleman who had just sat down wished government to make out a case for the increase in the number of men in the naval service in 1830, as compared with the number in 1817. It would be admitted that it might not be consistent with the interests of the country for Ministers to state in detail the particular reasons of a given increase in a particular year. Was it not obvious that there might exist reasons connected with our naval power, which would justify an increase in that department, and at the same time dictate silence on the subject? However, so far as his duty permitted, he would give the information required. The hon. member took the year 1817, and asked why in 1830 should our naval force amount to 29,000 men, when in 1817 it was fixed at 19,000? This question imposed upon government the task of accounting for an increase of 10,000 men. In 1830 we had 3,000 marines more than in 1817. The House had discussed the policy of keeping up an effective establishment of marines, and it appeared to be admitted that there was something so peculiar in the constitution and character of that force, that it was necessary to keep it up in its present state, if he wished to have an effective navy. The marines at present amounted to 9,000 men, of whom 4,500 were afloat, and 4,500 on shore. These divisions alternately replaced each other, and each thus became qualified for the full discharge of the peculiar duties of such a force. The 4,500 who remained at home were occupied in mixed naval and military duties; and it appeared that even those who were ashore were only two nights out of three in bed; so that their duties were not trifling. He felt the full force of observing principles of economy in time of peace as far as was consistent with the public safety; but he asked, whether we were not adopting a large and wise economy, and adding to the chances of continued peace, by keeping the naval power of the country in a good and effective state? Without saying any thing of the jealousy of other powers, and giving them full credit for peaceful intentions, he declared it to be his opinion, that the consciousness of a country's strength would be to rivals and opponents the best incentive to peace. We were called upon to adopt a decided tone in our foreign policy: how could we do so, except we were prepared to act, as well as to speak if necessary? There was a peculiar reason why, even in reference to the maintenance of peace, we should keep up our navy, and be prepared to make vigorous demonstrations if necessary. If a country were called upon suddenly to build and man ships for war, it was admitted that two years must pass (and those the most valuable and important years in a naval contest), before she would be able to defend herself with effect from a vigorous adversary, or to attack an opponent with advantage. Under the head of marines, he had accounted for an increase of 3,000 men in our naval force of the present year as compared with 1817. He might here observe, that since 1817 events had occurred in the Mediterranean which were not foreseen at that period, and which consequently were not then provided for. He would add, that our naval force must partly depend upon that of other powers; and that last summer Russia had six sail of the line, France six or seven, and England eight sail of the line in the Mediterranean. Surely our proportion was not too much for a great maritime power to maintain under such circumstances. It was not too much when it was considered that Russia had assumed a belligerent aspect towards Turkey. But government had taken the earliest opportunity of reducing its force, as far as it could consistently with the public interest and safety. In the last summer (although the government had asked for only 30,000 men for the navy) it was necessary to employ 32,000. Thus the

actual reduction of men in the present estimate was not merely a reduction to 29,000 from a previous force of 30,000, but from 32,000, giving an actual reduction of 3,000 men in the department of the navy. The squadron in the Mediterranean would account for an addition of 5,300 men as compared to the force of 1817; 5,300 being employed in the Mediterranean in the summer more than at the beginning of the year. Adding this increased force of 5,300 to the 3,000 marines, he accounted for an increase of 8,300 in 1830 above the estimate of 1817. Then came the whole of the coast-blockade, which did not exist in 1817. It was perfectly true, that the coast-blockade was not to be considered as merely belonging to the navy—it was a guard against smuggling, and was prepared to perform a double service should it be required: in any exigency the men of the coast-blockade would man our ships. The coast-blockade accounted for an increase of 2,200 men; which, added to the preceding items, gave an addition of 10,500 (so accounted for) to the force of 1817. It only remained to mention the packet-service, which was, however, merely a transfer from the post-office to the admiralty. It accounted for an increase of 700 men in the navy. We had thus an increase in the present year as compared with 1817, of 11,200 men fully and satisfactorily accounted for, and government might have fairly added to the navy by that amount; but so great an increase had not been made; a reduction of 1200 men was made in some other respects, so that the total increase of 1830 upon 1817, amounted in the naval department to 10,000 men: the difference between 29,000 at the present, and 19,000 at the former period. Looking at the events of the last two years, at the station which we ought to hold as a maritime power, at the occurrences in the Mediterranean, at the dissensions in South America, which might by possibility affect our colonies, seeing the collisions between South American vessels and our own, looking at the war between Brazil and Buenos Ayres, at the fact of the new States of America not always adhering very scrupulously to the legitimate laws of warfare—of which they were partly ignorant, to which they were, perhaps, partially indifferent; looking at the nature of the warfare carried on there, considering all these things, it did seem necessary to have a strong naval force to control excesses in one quarter and observe the issue of events in another. If gentlemen were aware of the repeated complaints made at the admiralty, they would think that an increase in the navy was less to be deprecated than a decrease, which would not afford sufficient protection to our trade and commerce. All these circumstances made out a *prima facie* case for an increase of our naval force. He should not go further into matters of detail, as his hon. friend only proposed a vote for the number of men upon that occasion. Neither did he wish to fight a by-battle upon other matters, as had been done by hon. gentlemen opposite. When the question came on as to the office of treasurer of the navy, he should be able to show that no censure could be justly cast upon government, notwithstanding the motion of the hon. baronet the member for Cumberland. He trusted that the hon. baronet would persist in his vote of censure upon Ministers, of which he had twice given notice, in order that they might take the sense of the House upon it. It would then be seen if government deserved public reprobation for making an immediate saving of £1,000 a-year, by separating the offices of president of the Board of Trade and treasurer of the Navy, and for arranging a prospective saving by these means of £2,200, by doing away with the contingent salary of paymaster of the navy. He could not refer to the alteration without regretting the opportunity that gave rise to it. It increased the attachment and regret which he felt for his right hon. friend the late president of the Board of Trade, when he recollected that it was by his assiduous attention to the discharge of his public duties and labours that his health became unfortunately reduced to that state which rendered it impossible for him to continue longer in office. A man of his experience, activity, and talents, found himself by the labour of the two offices of president of the Board of Trade and treasurer of the Navy, such a victim to over-exertion and anxiety, arising out of his attention to the duties of them, that he was obliged to press upon his colleagues, against the will of every one of them, the necessity of his retirement. He could not conceive a more powerful proof of the necessity of separating those two offices, as government had done. Nothing could have been more easy for Ministers than to fill up the offices as before. If they had done so there would not have been one word of complaint, but they separated the

offices because the joint labour was too great, and because they wished to effect a public saving. He hoped when the House came to take into consideration the hon. baronet's motion, that it would take a liberal and enlarged view of the subject, that it would recollect what had been the consequence, within the last few years, of subjecting public men to excessive labour and exertion. As a proof of the spirit of economy which actuated the government, he should mention that the comptrollership of army accounts had become vacant by death, and, instead of showing a wish to appoint any body to the office, Ministers allowed it to remain vacant, thus effecting a considerable saving for the public. He might also take this occasion to state a circumstance which reflected infinite honour upon the present lord-lieutenant of Ireland. That noble person, taking into consideration the amount of the salary of his high office (£27,000), and that it had been raised since 1797, as he assumed, in consequence of the increased price of articles of consumption and the diminished value of money, of his own accord submitted a proposition to government to reduce his allowance from £27,000 to £20,000 a-year, making a reduction of £7,000 per annum upon the salary of one office alone [hear, hear]. Under such circumstances he trusted, when the House came to dispose of the vote of censure upon government to be proposed, and which had been twice postponed, by the hon. baronet, that they would bear in mind the reductions that had been made, the whole course of policy adopted by Ministers, and above all, that they would not forget, whatever were the amount of expenditure of the present year, that government had manifested no disposition to retain any part of the expenditure connected with patronage.

In reply to Sir J. Graham,—

Mr. Peel said, he had never presumed to advise the hon. baronet on the subject of his motion. The hon. baronet twice gave notice of his intention to move a resolution condemnatory of the mode in which government had filled up the office of treasurer of the navy; and after hearing the explanation offered to night in reference to that transaction, the hon. baronet still persisted in his resolution, and pledged himself to bring the question before the House: let the hon. baronet do so. He repeated, he gave the hon. baronet no advice on the subject: he only expressed a hope that the hon. baronet would persevere in proposing a resolution "condemnatory of government." The hon. baronet appeared to draw a distinction without a difference between a "condemnatory resolution" and a "vote of censure" upon the government. For his own part he could see no difference. He had already expressed a hope that the hon. baronet would bring forward his resolution, which had certainly been twice postponed, and was now glad to hear that the hon. baronet intended to do so. In saying this he was far from attempting to dictate to him, he would not even presume to advise the hon. baronet; he only expressed a hope that the motion would be brought forward, in order to obtain the opinion of the House on the subject of the conduct of his Majesty's Ministers.

The House divided. For the Amendment, 47; against it, 148.—Majority for the original motion 101.

LATE *EX OFFICIO* PROSECUTIONS.

MARCH 2, 1830.

Sir Charles Wetherell, at the close of a very long speech, moved, "That there be laid before the House copies of the several informations filed *ex officio* by the Attorney-General against Mr. Alexander, the editor of a paper called the Morning Journal—copies of the several judgments entered against him upon the records of the above informations, and how the same were entered—an exact minute of the words in which each jury pronounced their verdict against him upon each of the above informations—exact minute of the terms in which any of the juries expressed a recommendation of him to mercy."

The attorney-general spoke at considerable length in reply; Sir Francis Burdett followed; and then,—

MR. SECRETARY PEEL rose. He confessed, he said, that after the elaborate proœmium of the learned gentleman, he felt considerable surprise at the motion with

which he had concluded. After the learned gentleman's three months' gestation and three hours of painful delivery, he was considering with what miraculous conception the learned member was likely to teem; and was surprised when the learned member concluded with a motion for papers, every one of which he held in his hand. He had expected some notice of a legislative proposition, or a grand constitutional assertion of principle. Notwithstanding his learned friend's offer to produce the papers required on parliamentary grounds, a justification might be made out for refusing them. It was quite natural, indeed, the learned gentleman having intimated that at a future period he might possibly found some vote of censure upon those papers with respect to the attorney-general's conduct, that his learned friend should be anxious to produce them. As the papers could be given without material inconvenience, he should not resist their production. The right hon. gentleman proceeded to contrast the conduct of Sir C. Wetherell on this occasion with that of Mr. Brownlow when proposing a resolution relative to the conduct of Lord Plunkett in filing *ex officio* informations after the rejection of bills of indictment by a grand jury. The hon. member for Armagh proposed a strong resolution—the learned gentleman quite the contrary. The learned gentleman appeared to suppose that there was a design entertained by government to overwhelm Mr. Alexander, because he was the representative of his party. In this conspiracy against the individual in question he had no share, for he had never even heard of the libel in which his own name was mentioned, till he was informed of the prosecution which his learned friend, no doubt upon good grounds, had instituted. The learned member supposed, because the name of the member for Newark stood first in one of the paragraphs prosecuted as libellous, that its prosecution was intended, among other things, as a significant hint to the hon. member, and as a means of heaping obloquy upon him for a supposed privy to the contents of the paragraph in which his name appeared. He denied this altogether. On the whole he was disposed to take much the same view of these libels as the hon. baronet opposite. *The hon. baronet said, he had been more abused than any other public man. Certainly the hon. baronet's political life was longer than his, but, making deductions for that, he could claim to be the hon. baronet's rival in this way. He had been chief secretary in Ireland for six years, and was pretty well abused by one party; since the passing of the Catholic Relief Bill, he had been exposed to attacks from the other, as numerous and violent as any that the hon. baronet himself could have experienced. The previous apprenticeship which he had served to attacks from the other side prepared him for attacks from this; and thus the account was balanced. Excepting the allegations against the Lord Chancellor, and the statements which purported to come from a person holding the situation of chaplain to a royal duke, he should not have felt disposed to prosecute the ordinary political calumnies relative to treachery and apostacy, to which public men were so often subjected: he spoke now for himself—such groundless charges gave him very little pain indeed. He had so much respect for the learned gentleman, and the great and powerful party with which he acted, that he regretted that the learned gentleman should appear to connect himself or his party with the libels of the Morning Journal and Mr. Alexander—that he should speak of Mr. Alexander as the organ and representative of the Tory party.

Sir C. Wetherell—I used no such expression: neither those words, nor words synonymous, nor any thing which a fair man could so construe [order].

Mr. Peel in continuation said, he would give the learned gentleman full power and opportunity of explaining, and if he said he had not used the words, he would entirely and fully believe that he did not mean to use them. But that such words fell from his mouth in the heat of debate, was certain, and he would appeal to the recollection of the learned member's friends in confirmation of the statement. The learned gentleman had said that the object of the prosecution was to beat down the powerful Protestant party with which Mr. Alexander was connected, and of which he was supposed to be the representative; and his learned friend the attorney-general, had to consider what effect might be produced by the libels in question on parties in this country and in Ireland. He would give the opponents of the Catholic Relief Bill in Parliament credit for feelings of sincere pleasure if their predictions with respect to the results of that measure should be falsified; he was sure that they would join the advocates and supporters of the bill in rejoicing at that: but studious

efforts were making at the period of these libels to unsettle the public mind in Ireland with a view to retard the beneficial effects expected from the Relief Bill, and keep the Protestant mind in that country in a state of excitation by the hope that other influence was about to prevail with the Sovereign over that of his Ministers, and that the Protestant monopoly would be re-established. Whatever might be the effect of those inflammatory paragraphs in this country, they were certainly calculated to be productive of much mischief in Ireland, where parties were so much excited, and where all means of fomenting that excitement were so industriously laid hold of. In the present case the subject matter was invested with a peculiar air of authority, which rendered its probable consequences in the highest degree dangerous and pernicious. It professed to be written by a clergyman of the Church of England, who was described as the chaplain of a royal duke, and dealt the most violent personal attack on the Prime Minister of the Crown. Then it was immediately copied into all the Irish papers, and universally circulated amongst an irritated and disappointed party, where the elements of strife already but too generally existed. The hon. and learned gentleman appeared to have omitted the consideration of some circumstances connected with those prosecutions, which, nevertheless, did not deserve to be overlooked. The defendant Gutch, who had been included in them, and had been found guilty, was permitted to leave the court without any punishment whatever, in consideration of his absence from London and indisposition at the period alluded to. This lenity was exercised at the particular instance of his hon. and learned friend the attorney-general, whose proposition it was, that he should not be brought up for judgment with the others. Was this manifesting a disposition to press unduly the power with which he had been intrusted by his office? Neither personal nor party motives had actuated his conduct; nor had he taken such a step at the dictation of government, but in strict accordance with his own sense of duty, which he had invariably exercised with lenity and judgment. He quite agreed with the hon. and learned gentleman in thinking that he who controlled the excesses of the Press was, in reality, the true friend to the liberty of the Press, and that it was by resorting to such means alone that they would secure its proper influence and wholesome control over the conduct of public men. No man was more thoroughly convinced than himself that the Press exercised a salutary control over public measures and public men, but that control would not be increased by private calumny and unrestrained licentiousness. He admitted that it was most expedient in such cases to appeal to the old laws before they created new. It was so represented to government in 1819, when it sought to invest the law with greater power with a view to repress blasphemous publications. On this principle the attorney-general had acted: he had appealed to a jury, and shown that offences of this description were quite within the reach of the ordinary control of common law.

In reply to Mr. Hume, Mr. Peel said, that words were not strong enough to describe the misrepresentation into which the hon. member for Aberdeen had fallen with respect to him. So far from differing with his hon. and learned friend, the attorney-general, he entirely agreed with him; nay, he had not heard one single sentence from his hon. and learned friend in which he did not concur. In what he had said upon the point on which the hon. member for Aberdeen had so strangely mistaken him, he was speaking of himself personally, and of the abuse which had been levelled at him. He had expressly stated that his hon. and learned friend had acted upon no other than the just and proper feeling of preventing the continuance of excitement in this country and in Ireland. He entertained the same feeling, and if he had been told that a chaplain of the Duke of Cumberland had made such a political charge against a Minister, or that any other person had made such a personal charge against the Lord Chancellor, he should have been ready to suggest the institution of a prosecution. All he had contended for was, that there had been no conspiracy to ruin an individual; and he said again, that he did not know that he himself had been mixed up in the libel until the author of the libel had been prosecuted. Knowing the deliberate intention in which these libels were published, he begged to be understood as perfectly concurring in the prosecutions against the author of them.

Sir Charles Wetherell having briefly replied, Mr. Peel said, that if the hon. and learned gentleman supposed that he had intimated that the hon. and learned gentleman had any personal connexion with the *Morning Journal* he was mistaken.

He had said no such thing; and if he had misrepresented any part of the hon. and learned gentleman's speech, he had done so unintentionally.

The motion was put and agreed to.

THE CHURCH OF IRELAND.

MARCH 4, 1830.

Sir John Newport moved a long address to his majesty on the state of the Established Church of Ireland. Mr. Spring Rice seconded the motion.

Sir Robert Inglis moved the previous question.

Lord F. L. Gower moved a counter-address by way of amendment.

After some observations by Mr. Trant,—

MR. SECRETARY PEEL said, he presumed that gentlemen who had just entered the House, and had not been present at the debate, must, from the speech of the hon. member for Dover (Mr. Trant) suppose that some formidable proposition was under consideration for the destruction of the Church of Ireland. The course of proceeding that the right hon. baronet proposed was, that the Crown should be advised to appoint a commission to examine into the state of the Church of Ireland, with reference to the union of benefices—that it should enquire into the value of each separate parish, which constituted such union, and into the proceedings adopted to sever such unions, as well as for the purpose of facilitating the appointment of a greater number of ministers of the Church of Ireland, as for the purpose of the better performing the sacred duties of the ministry. It was proposed that a commission, composed of privy councillors, should enquire into the grant of faculties, or dispensations, by which pluralities were held. A further proposition was, that the Crown should not appoint to any benefice in which there was a deficiency of a glebe-house, a church, or cathedral; and that the profits of such benefice should be appropriated to the building of such glebe-house or church, or to the repairs of such cathedral. His noble friend objected to that, and the right hon. baronet had submitted to the validity of that objection; and the whole proposal, as it now stood, was for a commission to enquire into the state of the union of benefices, and to facilitate a greater appointment of working ministers, and to prevent the holding of pluralities. Did the hon. member for Dover, professing his anxiety to maintain the interests of religion conceive that he could impose upon any man by his cry of the "Church in danger?" Did the hon. member not know—was he so totally ignorant of all that was passing around him as not to know that the Crown had already appointed a commission to enquire into the whole state of the ecclesiastical jurisdiction of this country? That commission had not yet extended to Ireland. He would venture to inform the hon. member, however, that the Church of Ireland was gaining in strength by adopting moderate and well-considered reformation. For that church he professed as sincere a respect as the hon. member for Dover; and he could affirm, from his own knowledge, that for twenty-five years great efforts had been made by the clergy to improve its condition; and, at that moment, the Church of Ireland could present a ministry, speaking collectively, as devoted to the discharge of its spiritual functions as the ministry of any church or ecclesiastical establishment in any country. If the time should ever arrive when an attempt should be made to deal with the property of the church upon other principles than with the property of other establishments, then would be the time for the exertions of those who dreaded the subversion of that church. The hon. member for Oxford could not mean to push his doctrine so far as others that night had pushed it. He could not mean to say that any part of the revenue of the church, such as the stipends of curates, was beyond the reach of the law. With reference, however, to the appropriation of the revenue of the church, the question ought to be approached with the utmost delicacy, and an enlarged view ought to be taken of the effect of an unequal distribution of that revenue upon the promotion of learning and religion. When any attempts were made upon the revenue of the church, he would resist them; but he would not permit the imprudent sarcasms of the hon. member for Dover to prevent his acceding to a

motion which, he believed, was not couched in the spirit of hostility to the church, and which would tend to promote its best interests.

After some farther animated discussion, Sir J. Newport withdrew his motion—Sir R. Inglis withdrew his amendment—and Lord F. L. Gower's counter-address was agreed to as follows:—"That his majesty may be pleased to appoint a commission, to proceed with as little delay as may be practicable, to enquire into the state of the several parochial benefices in the respective dioceses of Ireland, with a view to ascertain how far the same consist of separate or united parishes, or to report, in the case of unions, the authority under which such unions have been effected, and the date thereof: the annual value of the several parishes so united; the contiguity of such parishes to each other, and of the churches or chapels within the same, and the possibility or fitness of dissolving such unions at any future period. That the said commission be further directed, to examine and report how far the salaries required by law have in each case been paid to the several curates residing within the said parishes or unions. That his majesty would be graciously pleased to direct that there be laid before this House, an account of the number of faculties or dispensations which have been in each of the last ten years granted in Ireland, for the purpose of enabling ecclesiastical persons to hold more than one benefice and of the rules and regulations under which such faculties are now granted."

EAST RETFORD—VOTE BY BALLOT.

MARCH 5, 1830.

On Mr. N. Calvert's motion for the House to resolve itself into a committee on the East Retford Bill, Mr. Tennyson moved as an amendment, "That it be an instruction to the committee on the East Retford Bill, that they have power to exclude the borough of East Retford from the right of electing members to parliament, and to enable the town of Birmingham to return two members."

Mr. W. Smith seconded the amendment. In the debate which followed,—

MR. SECRETARY PEEL said, that on such an exhausted subject he meant to detain the House but a very few minutes. Both his right hon. friend, the secretary of state for the colonies, and his hon. and learned friend the solicitor-general, had been misunderstood. His right hon. friend never meant to say that he should now vote for the measure simply because he had voted for it before, but because the measure had been five times decided; because he had on every discussion held the same opinions, and he saw no reason to change them on the present occasion. His learned friend had not referred to the House of Peers, except in its legislative capacity. He admitted that the House of Commons was bound to form its own opinions, but his learned friend had alluded to the other House sitting in its judicial capacity, and deciding by evidence taken on oath. He did not mean to discuss the question of large towns, but the noble lord might perhaps think it right to vote for the measure, when he saw that the mover and seconder of the present motion had both voted in favour of the proposition of the noble lord. He thought some gentlemen under-rated the advantage of giving the franchise to the hundred. In looking at our history, he found the advantages of so extending the franchise proved by experience; and it had the merit of having been sanctioned by several great men. Lord Chatham, on the question of the delinquency of Shoreham, when he had held his well-known opinions in favour of Parliamentary Reform, did not scout transferring the franchise to Bramber. On the contrary, he congratulated himself that Shoreham had been separated from India, and united to England. There was an impression that Shoreham was attached to the East-India interest; and Lord Chatham, who was then a reformer, regarded the extending of the franchise to the borough as a great improvement. Mr. Pitt also, who was a reformer, on the question of the borough of Cricklade, was friendly to transferring the franchise to the hundred. Both he and Mr. Fox were of the same opinion. On the question of the borough of Aylesbury, Mr. Fox opposed the transfer to the hundred, because he thought the delinquency of the borough not proved. For himself, he must say, on like considerations, that he did not think that extending the franchise to 2,000 voters connected with the landed interest would be a trifling improvement in the case of the borough of East Retford. If they

looked at the cases of Cricklade, Aylesbury, and Shoreham, they would find nowhere a purer set of voters than in those three hundreds. Although he did not think that there was any difference between the landed and commercial interest, though apparent differences might occasionally arise, he was not of opinion that the balance between those interests in that House ought to be wholly lost sight of. When the noble lord formerly proposed that a hundred franchises should be added, he did not lose sight of this balance, and he proposed that sixty of those members should represent counties, and forty the towns. Mr. Pitt, too, when he proposed to add 100 members to the representation, proposed at first that the whole number should be county members. Afterwards he modified this, and intended to give sixty members to the counties, and forty to the towns; and this was a balance which ought to be attended to. If Nottinghamshire, like Cornwall, had forty-four members, there would be less reason for retaining the two members for the hundred, and more reason for transferring the franchise to a large town. Some respect had always been paid to population in adapting our system of representation. There were forty-five members for Scotland, and one hundred for Ireland; and it was a good practical rule to attend to the amount of population. As this question had, however, been debated seven or eight times, he really could not feel himself justified in detaining the House with any further observations. All he should say was, that he did not think there were any circumstances in the situation of the House which called for any other decision than that already so often pronounced; nor was he prepared to admit that the result of the motion of the noble lord (J. Russell) was one which ought to influence his vote on that occasion. Without, therefore, meaning to imply that the giving of a vote on this question was in the slightest degree to influence the vote which he might be called on to give on any larger question, he confessed he saw such a combination of circumstances with reference to the situation of the county of Nottingham, favouring the transfer of this franchise to Bassetlaw, that he felt bound to adhere to the vote he had already given so often on the same question.

On a division, the original motion was carried by 152 against 119; majority, against Mr. Tennyson's amendment, 33. After some remarks from Mr. O'Connell the house went into a committee.

Mr. O'Connell then moved the insertion of a clause, to the effect that the election should be taken by ballot.

Mr. Peel objected to the clause, in the first instance, on the ground that it did not specify how the ballot was to be taken. In justice to his proposition, the hon. member should specify the mode in which the ballot was to be taken. This, besides, was not the proper place to propose such a general principle.

Mr. Hume and Mr. Hobhouse supported Mr. O'Connell's motion.

Mr. Peel said, that was obviously not the time for discussing so great a principle as the learned gentleman had laid down. If the hon. member for Aberdeen would look to the preamble to the Jury Bill, he would see that the mode in which the jury was to be elected by ballot was specifically detailed there. He was decidedly opposed to the principle advocated by the hon. and learned member for Clare, being sure that such a principle, if adopted, would be productive of far greater abuses, and of more hypocrisy than at present prevailed [*hear*]; and he doubted that it would have the least effect in preventing bribery and corruption at elections. Whenever the hon. and learned gentleman should bring forward a proposition of that kind in a more regular form, he should be prepared to meet him and to oppose it.

In reply to Sir Francis Burdett,—

Mr. Peel said, that the hon. member for Westminster had no reason to be surprised at the paucity of the arguments with which he had supported his objections to this clause, as he had declared most explicitly to the committee, that in its present crude state he did not intend to argue it. He also reminded the hon. baronet, that the present was a proposition which they could only argue upon presumptions, for experience as to its advantages or disadvantages they had none. As to the allusion which the hon. baronet had made to the system of electing jurors by ballot, it bore no analogy, and could have no reference to the system of voting by ballot at elections. Did the hon. baronet know the manner in which a jury was appointed under his bill? As he thought that the hon. baronet was ignorant of it, he would inform him that the names of the jurors were placed indiscriminately in a box, and were

taken out by chance by the officer of the court. Now surely the hon. baronet did not intend to propose that the names of the candidates should be put into a box, and that the candidates whose names were most frequently taken out by chance by the electors, should be declared duly elected. Equally inapplicable to the election of members of parliament was the mode in which election committees were struck in that House. Leaving, however, those points out of discussion, as not affecting the real merits of the proposition, he would say at once that he had been always taught to believe that an Englishman felt his privileges to be more valuable, because they were exercised openly and publicly. He had often been told by the hon. baronet that public opinion was the best check upon every species of abuse; but in this case you were prohibiting the expression of public opinion, by calling upon Englishmen to exercise their functions as electors in secret. He greatly doubted whether the influence of the aristocracy would be diminished by adopting the vote by ballot, as the loud clamour for reform might be more easily bribed under such a system than under the present. He had not intended to argue this question at all, for he considered it to be too important to be discussed at eleven o'clock at night in an incidental manner. Still, as he was upon his legs he would take the opportunity of denying that the people had transferred the liberties which they had wrested from the Crown into the hands of a selfish oligarchy. The aristocracy did not deserve the opprobrium which had been cast upon it. In his opinion, the country was under great obligations to the efforts of the aristocracy in the preservation of its liberties. Nothing would be more fatal to the liberties and independence of the country than that there should not be interposed between the people and the Crown a powerful aristocracy, who, by their situation and fortune, were able to despise the menaces and reject the favours of the Crown.

The provisions of the Bill were at length agreed to in the committee.

BOMBAY JUDICATURE.

MARCH 8, 1830.

In the debate (adjourned from the 4th of March) on Mr. Stewart's motion for certain papers referring to the interference of the local government with the administration of justice in the supreme court of Bombay, in the months of August and September, 1828, or at any subsequent period,—

MR. SECRETARY PEEL said, he could not allow the present discussion to close without making a few observations. When he considered the great responsibility which devolved upon public functionaries, he had no hesitation in saying, that, when guilty of error, if it were found that they acted at the same time with upright intentions, and were actuated by conscientious feelings, he had not the slightest hesitation in saying that they were entitled to the most indulgent consideration. But if, as in the case of the governor of Bombay, it was found that the parties had acted in a manner the most discreet, prudent, and proper, he thought they had a double claim to be supported by the government; and that claim would, he thought, be recognised by the House. He wished to have it understood, that he desired, like his right hon. friend Mr. Wynne, with whom he concurred, to leave the legal question entirely out of view—they had nothing to do with the legal question. The hon. and learned member for Clare, however, had discussed the legal question; a proceeding which had been rendered altogether unnecessary by the decision of the Privy Council—a tribunal much more competent to decide such a question than was that House. The authority of that decision, he believed, would not be lightly questioned, when it was recollected that two Chief Justices, Lord Tenterden and Sir N. Tindal were present, as also Lord Wynford, and his right hon. friend, whose habits, professional and official, so fully qualified him for assisting in such a decision. He had no doubt the House would feel that it was not necessary to place the independence of Indian judges upon a lower footing than that of English judges; this was not a case affecting their independence, but a question relating to the assumption of authority unwarrantable and dangerous. For the exercise of authority beyond proper boundaries,

he apprehended an action of trespass might be brought; but for the exercise of unwarrantable authority within acknowledged bounds, there lay no such remedy; and, should no adequate remedy exist, it must be the business of the legislature to devise one—in doing which it would, of course, be influenced by no considerations but the nature of the case and a due regard to its own character. With reference to the injury our authority might sustain in India by the conflict between the Courts and the Executive Authority, the House should recollect that it was impossible to suppose that the natives of India had the same respect for English courts of justice that we had. The question ought not to be argued as if the Indians had a great respect for the jargon of our laws, which we ourselves did not understand. They could have no attachment to laws administered in a foreign language, and couched in forms which even the inhabitants of this country could not comprehend, and which they regarded as contrary to their customs and religion. They did not like a court before which they were dragged from a distance, and the authority of which they did not acknowledge. The claim which the Supreme Court in India made to extend its jurisdiction created great alarm among all the natives, and even in the executive government, as being contrary to the engagements it had entered into with them. The Provincial courts had, on the contrary, merited and obtained the confidence of the natives, particularly under the government of Mr. Elphinstone. The fact was stated in the valuable work of the late Bishop Heber. Those courts are there described as acting on the principles of jurisprudence with a due regard to the prejudices of the natives, and as doing much gradually to accustom them to our laws. The conduct of the Supreme Court had a great tendency to bring these courts into disrepute, and Sir John Malcolm was bound to uphold them as well as the executive authority. Thinking that Sir John Malcolm had only done his duty, he should be ashamed of himself if he had not supported him, and if he had shrunk from the responsibility of sharing his opinions. He thought that Sir John Malcolm had done quite right in addressing the letter which had been mentioned to the judge; he could not adopt a better course, and it seemed to him (Mr. Peel) the only one that was likely to prevent a collision between the judicial and executive authorities. The letter was intended to prevent any necessity for making known to the public the difference of opinion which existed between them. He believed that the two judges, Sir Charles Chambers and Sir J. P. Grant, of whom he was disposed to speak with all that respect which was due to them, acted on as pure and conscientious motives as Sir John Malcolm. They supposed, undoubtedly, that their construction of the law was correct. With respect to the letter of his noble friend, Lord Ellenborough, a great many erroneous and unjust impressions had got abroad as to its purport and intentions. He conceded to hon. members that his noble friend could not—and he did not claim it for him—shield himself behind the privilege of a private letter. A public man had no right to give instructions in private letters, and then say they were private; but at the same time he was sure that the public service could not be carried on effectually unless public functionaries were allowed to write private letters without having the terms in which they were expressed too severely scrutinized. What he claimed for such letters was, that they should not be exposed to have their terms so severely scrutinized, nor be subjected to such fastidious criticism as public despatches, and he would only claim for the words of his noble friend's Letter some indulgence. He denied that any thing in that Letter implied an intention to destroy the independence of the judicial authority, or make it subservient to the views of the executive government. He would take the two strongest passages; the first was that in which his noble friend spoke of Mr. Seymour being knighted, and where he said that as it would not be proper to leave Mr. Dewar without that honour, he should consider how it might be done; he believed it might be conferred by patent, but perhaps it might be conferred through the governor, in such a manner as to mark the superiority of the executive government over the judicial authority. It would place the governor above the court, and mark him out as the King's representative. By this Lord Ellenborough had no intention to degrade the judges, but to make the people of India aware that the executive government was the supreme power. He objected to the motion, therefore, as implying a censure on his noble friend which he did not deserve. Nothing could tempt him to refer to the language used by Sir C. Chambers and Sir J. P. Grant, in consequence of the letter addressed

to them by Sir J. Malcolm, more particularly as one of those judges was now no more. Nothing should tempt him to speak with disrespect of the dead; and he would only refer to Sir C. Chambers's charge in as far as was necessary to do justice to the living. The letter of his noble friend must be misunderstood, without a knowledge of the charges to which it in fact referred. Sir C. Chambers, in his address to the court, spoke of the extraordinary letter he had received from Sir J. Malcolm, in which the court was dictated to by persons who had no right to address it, except in the capacity of humble suitors. "A heavy responsibility," the judge said, "rested on those who, under the pretext of supporting the government and the state authority, used their power to extinguish the exercise of the King's authority, and screen their servants from the restraints of the only authority and power which was able to check that tyranny into which irresponsible power had ever a tendency to fall." Here was a distinction drawn between the King's and the East India Company's authority; and the judges assumed that they represented the King's authority, while the civil government only represented that of the Company. Then the natives were told by the judge, that this letter was a pretext to extinguish the King's authority; against such language and such proceedings he should always protest. His noble friend had stated, that the civil government was above the court, not with any view to interfere with the independence of the judges, but to show that the civil government was the depository of the King's power as well as the court; his noble friend wished to give the president the power of conferring knighthood on the judge, in order to notify to the inhabitants that he represented the King. The other passage of his noble friend's letter to which he would refer, was that which concluded with the comparison of the two elephants. He did not mean to vindicate that manner of speaking of the judges; he did not mean to vindicate the expressions of his noble friend; but he claimed for those expressions the candid consideration which was due to them, as contained in a letter not intended to be published. His noble friend, by those expressions, never intended to degrade the King's judges; his whole official conduct was a proof that he could not mean it; and if he had, he would have been guilty of a great public offence. His noble friend meant nothing whatever derogatory to the character of the judges; but his noble friend was justified in saying that he hoped Sir J. P. Grant would review his decision, and that if he should not come to a different conclusion, then he would be rendered harmless by having with him two other judges who were not likely to join with him in opinion, or be opposed to the civil government. His noble friend had not at first advised the King to recall Sir J. P. Grant, though he believed that he had assumed an authority which he was not justified in assuming; and not wishing to advise his Majesty to recall that judge, he placed two other judges with him, in whom the government could place confidence. Conceiving that the motion was intended as a censure on his noble friend, he should, on the grounds he had stated, resist the motion of the hon. gentleman.

On a division, the motion was negatived by 106 against 15; majority, 91.

EAST RETFORD.

MARCH 8, 1830.

On the bringing up of the Report on the East Retford Bill, Mr. Stewart moved the insertion of a clause to run thus:—"And be it further enacted, that from and after the passing of this Act, any Member who shall be returned to serve in Parliament for the said borough of East Retford, shall, on coming to the Table of this House to be sworn—make a declaration to this effect, 'I, A. B. do solemnly declare, that I have neither given, nor promised to give, nor intend to give, or promise hereafter, any pecuniary fee, or reward of any kind, in consideration of my election as Member for the Borough of East Retford; and I solemnly declare, to the best of my knowledge and belief, that my return has not been procured, or promoted, by the influence or interference of any Peer of Parliament.'"

MR. SECRETARY PEEL said, if the same electors as before were to retain the franchise, he should be disposed to agree to the clause, but to them was now to be added

2,000 others, and it would be unfair towards these infant electors to stigmatize their birth by branding them with a suspicion of bribery. Moreover, he thought it would be wrong to make any distinction between the members of that House. They ought all to be placed on the same footing, though he did not mean to say that they ought all to make a declaration of that kind. Seeing no reason for selecting the two members for the borough of East Retford from among the 658 who composed that House, and seeing no public advantage likely to result from the introduction of the clause, he should certainly oppose the motion.

The motion was negatived without a division, and the Bill ordered to be read a third time that day week.

WELSH JUDICATURE.

MARCH 9, 1830.

The Attorney General having moved for leave to bring in a Bill for "the more effectual administration of Justice in England and in the principality of Wales," in the course of the debate which followed,—

MR. SECRETARY PEEL said, that the proposition of his hon. and learned friend had not been fairly treated. He had proposed to introduce a measure to alter the jurisdiction of the Welsh courts, and it might have been supposed, as the House had previously been engaged in discussing the twelve propositions of his right hon. friend, that it would, at that late hour, have thought the discussion of one topic at a time enough. The hon. member for Clare, however, was disappointed that the bill did not reform the whole practice of all our courts, and he had indulged in many remarks on that subject. He had himself, as a preliminary measure to such a reform, stated his intention to introduce a bill for putting an end to patent offices, and till that, and the question concerning fees were disposed of, the reform of the courts could not be proceeded with. Measures were in contemplation, also, for an equal distribution of business among the courts, and he did not expect that subject would have been brought under the notice of the House, when it was only called on to discuss the question of the Welsh Judicature. The House had heard also a great deal about the repugnance of the people of Wales to the measure, but he would like to ask on which of the representatives of that principality the House meant to rely? The declarations of two hon. members at least showed that the inhabitants were not universally opposed to the measure. The Welsh had no local tribunal which would be taken from them by the Bill. The judges would go into Wales at different periods of the year, as at present, and when it was said that the Welsh were devotedly attached to their local tribunals, it should be remembered, that at present a great number of causes were sent into England to be tried in order to get rid of local prejudices. It ought also to be observed, when it was said that the Welsh would lose their Equity courts, that, in fact, most of the Equity cases came already up to London to be settled. It was a curious illustration of the Equity courts of Wales, that they were chiefly of use to stay the irregular proceedings of the Courts of Law. That was not, however, the time for discussing those matters in detail, and he would not go further into them. He could, however, assure those who had expressed themselves so anxious for delay, that there was no design whatever on the part of government to force this measure on the people of Wales without giving them abundant time to consider it in all its bearings. Such a disposition, he thought, had been satisfactorily evinced already by his right hon. friend, when he gave notice of his intention so early after the commencement of the session.

The Bill was ordered to be brought in.

AFFAIRS OF PORTUGAL.

MARCH 10, 1830.

Lord Palmerston, at the close of a long speech, moved for the production of a number of papers relating to the affairs of Portugal, the nature of which will be understood from the speech which MR. SECRETARY PERL delivered in the consequent debate.

Mr. Peel said, that in rising upon this occasion, he felt it necessary to ask for more than the usual indulgent consideration of the House. He could not but regret that it had been deemed advisable by the noble lord, no doubt for good reasons, though he could not divine their nature, to submit a motion of this important description to the House, upon a day which was usually devoted to relaxation, and upon which there was a distinct arrangement and understanding among men of all parties that no public business whatever of any consequence should ever be brought forward. His own time had been so much and so incessantly occupied, in consequence of the lateness of the debates during the last two days, that he really conceived he had some claim upon the noble Lord's forbearance, and that he had some right to expect that such a motion as this should not have been brought forward upon this day, which was a sort of parliamentary *dies non*. He had been detained in the House, by public business, till four o'clock the preceding morning. He was afterwards obliged to devote a considerable portion of the day to the transaction of public business connected with the office over which he presided, and which could not be postponed; and he felt, therefore, that he entered under great personal disadvantages upon the discussion of this question. While his noble friend who brought forward the motion had an opportunity to select his points of attack, he had not considered it necessary to communicate previously to government, and he therefore was called upon, on the part of government, to enter upon an explanation of transactions that were spread over a wide extent of surface, which embraced a considerable period of time, and which did not particularly relate to the peculiar department over which he presided. He mentioned these circumstances, in order that the House might make due allowance, should he fail in giving satisfactory answers to all the accusations of his noble friend, though he trusted, notwithstanding the disadvantages under which he laboured, that he should be able distinctly to refute all his insinuations and charges. In doing so, however, he hoped also that allowance would be made for the peculiar situation in which he was placed, owing to his inability to refer publicly, at present, to the documents and particular facts of the case, which would furnish a complete refutation of the noble lord's charges. And here he could not avoid declaring, that in the whole course of his public life he had never found his private feelings clash so much with those public considerations from which he could not, consistently with his views of the public interest, depart, as on this occasion. If he could refer to all the papers connected with those transactions, they would furnish a most triumphant answer to the charges of his noble friend: they would afford a full explanation of the whole case, and they would show why his noble friend had selected some of those transactions for animadversion, and why he had prudently abstained from referring to others. He was confident that even without those documents, he should be able satisfactorily to vindicate the conduct of his Majesty's government, and of the course which, as a minister of the crown, he thought it most proper to advise in reference to the interests of that country, with the administration of the affairs of which he was charged. The hon. baronet, the member for Westminster, had made a speech which could easily be made, and it would be very easy for any man to make, if it were only conceded to him that he had the right to make, not only his own speech, but the speech of his opponent to which he meant to reply. It was easy to make charges against his majesty's ministers, and then call upon them to answer them, when the expressions to which they had reference were never used by them. His right hon. friend, the Paymaster of the Forces, had however sufficiently answered for himself. When, he would ask, did the hon. baronet hear from that side of the House that the country was unable to sustain the charges of a war? What gentleman upon the ministerial benches had ever said that the country

ought to submit to dishonour, or to put up with degradation, or abandon its interests, from an apprehension of war, or from a consciousness that she was not in a condition to bear its expenses? But the hon. baronet had assumed this to be the language of ministers; and this assumption made, he proceeded to argue in its refutation. He conceived that of all the just causes of war, the vindication of the honour of a country was that which was most just. He could conceive few cases in which mere considerations of interest could justify a country for involving itself in war. He concurred most cordially with the doctrine of Mr. Fox, that the best vindication which a country could plead for embarking in war was, that it was necessary to the vindication of the national honour; but making a concession of all these points to the hon. baronet, he still thought that it was matter for legitimate enquiry, whether, when we were invited to enter into a war, there were any engagement, expressed or implied, made by the country; any formal or moral obligation; any consideration of interest which required it to involve itself in that war, or to hold that menacing language, which, if it were disregarded, left us no alternative but to follow it up by the commencement of war? He did not expect that either his noble friend or the hon. baronet would conceive him to be arguing the question unfairly, if, after making these admissions he proceeded to contend that it was our interest not to involve ourselves in war, except for some great and paramount consideration. He thought that his noble friend would not consider him as stating his argument unfairly, when he assumed it to be this:—that his noble friend was of opinion, first, that there were certain engagements in existence which compelled this country to pursue a different course from that which it actually had pursued. His noble friend did not state himself to be an advocate for war, but without being guilty of any unfairness, he must say that his arguments led to the conclusion that we must have war. If war were necessary, let us have it; but if it were not necessary, let us not conjure up such a phantom to deter men from following the dictates of reason. His noble friend, he repeated, did not demand that we should go to war; he was of opinion that we ought to have done something different, though he did not state what that something different should have been; he said, indeed, that we ought to have assumed a different tone in the language which we addressed to the government of Portugal, and enforced certain rights which we possessed by treaty, and which we had failed to enforce. His noble friend had likewise said, for he had taken down his words, “That we have shrunk from solemn and public engagements, that we have abandoned to exile, to beggary, to dungeons and to death, thousands of men, whom a knowledge of those engagements might justly have led to count upon our protection.” Now, if he were not much mistaken, he should be able to show, that if we had basely shrunk from our engagements, his Majesty’s present advisers were not the only persons who ought to bear the disgrace of such misconduct,—that if we had failed to enforce our claims on Don Miguel, the noble lord and his friends were equally implicated in such failure; for the period when the execution of such engagements, if such engagements there were, could have been most effectually compelled was when his noble friend himself held office under the Crown, and at that time he had never heard from his noble friend any of those remonstrances which he had made so vehemently that night. He would admit to his noble friend, that even supposing that there were no express engagements, there might be moral obligations on the country which ought to have the same force. He would, in the course of his speech, consider that question fully, and would enquire whether there were any engagements, expressed or implied, requiring our interference with the government of Portugal, or whether there were any moral obligation possessing the force of a formal contract. He must here stop to vindicate the memory of his late right hon. friend, Mr. Canning, from the imputations which had been thrown on it that night, if the assertions of the hon. baronet opposite were well founded. He must contend that the whole of Mr. Canning’s language in that House, and the whole of his written communications with foreign ministers, which were on record, contradicted the assertion, that there was any thing either in the mode in which the Portuguese charter was granted, or in the mode in which it was conveyed to Lisbon, imposing any obligation upon England to maintain it in full and undiminished integrity. If our troops were, as it was contended, sent to Portugal to interfere with the internal institutions of that country—



AFFAIRS OF PORTUGAL.

Sir F. Burdett intimated that he had not said so.

Mr. Peel understood the noble lord and the hon. baronet to have both said, that the circumstances under which the charter had been carried to Portugal excited expectations there which we were bound to realize. If that were so, how was it to be reconciled with the language held by Mr. Canning? Mr. Canning had not disapproved of Sir Charles Stuart's conduct in bringing the charter from the Brazils to Portugal; as to the granting of that charter, England could not be responsible, and he would therefore leave it out of consideration; but because Mr. Canning had not disapproved of Sir C. Stuart's conduct, his noble friend argued that expectations were raised in Portugal which we were bound in honour to fulfil. Now, that was not the view taken by Mr. Canning of the consequences which were likely to arise from the charter's having been conveyed to Lisbon by a Portuguese agent, who happened to be a British subject. The directions which Mr. Canning sent to Sir C. Stuart were, that he having left the charter at Lisbon with the parties who were commissioned to receive it, should return immediately home to prevent any such impression from being made, either upon the Portuguese people, or upon other nations. That was evident from the language of Mr. Canning's despatch to Sir W. A'Court. On the 22nd of July, 1826, he wrote thus to Sir W. A'Court: "It is the anxious wish of his Majesty's government, that nothing may have been done by Sir Charles Stuart, whether under the commission of the Emperor Don Pedro, or at the solicitation of the Portuguese authorities, which can be liable, either in Portugal, or throughout Europe, to be misconstrued as an authoritative interference in the internal concerns of Portugal. Should any thing of that sort unluckily have occurred, his Majesty's government relies confidently on your Excellency for doing away the impression which it would be calculated to create, by a discreet use of the explanations and declarations contained in my despatches to your Excellency, and in those of which I have transmitted copies for your information." Again, on the same day, Mr. Canning wrote thus to Sir C. Stuart:—"It is the desire and determination of his Majesty's government to avoid, as far as possible, the appearance of any direct interference of British agency in the establishment of the new order of things in Portugal." He did not suppose that any gentleman would contend, that because Mr. Canning enjoined Sir C. Stuart to avoid the appearance of British interference, he intended to authorize him to carry on that interference in a secret manner; by no means: Mr. Canning intended to deny the existence of any desire on the part of the British government to interfere in the establishment of the new order of things in Portugal. Mr. Canning expressly said, that he founded his approbation of the charter on the implied assent of the people of Portugal to it; and in a despatch dated the 17th of July, 1826, and addressed to Sir W. A'Court, he says—"It appears to us, upon the whole, that the best chance of a safe and tranquil issue to the present extraordinary crisis in Portugal will be to be found in an acceptance (as immediate as may be suitable with the importance of the measure) of the charter of Don Pedro, coupled as it is with his abdication of the throne. Any other course must, as it appears to us, be full of danger." But what did Mr. Canning say afterwards?—"But if, nevertheless, another course shall be pursued, we shall not be the less anxious for its peaceable and happy issue, than if it were one which we had ourselves advised." He thought that he had now satisfactorily shown that Mr. Canning had never admitted that he was responsible for the establishment of the charter in Portugal; and that the bringing of it to Lisbon by Sir C. Stuart, who, though a British subject, was a Portuguese agent, was no claim upon England to support that constitution against the wishes of the majority of the Portuguese nation. The next point which he had to notice in the speech of his noble friend referred to the protocol of Vienna. His noble friend, and after him the hon. baronet, had both argued that because the signature of a British minister was attached to that protocol, we had contracted an engagement to see that the engagements into which Don Miguel had entered were faithfully observed. As the House had been told that this motion had been made not so much with a view of obtaining any new documents, as with a view of casting a censure upon his Majesty's government, he hoped that the House would, although it was an unprecedented night for debate, listen to him with patience whilst he entered at some length on the defence of government. The circumstances under which we became parties to the protocol of Vienna were very fully explained in a

despatch sent by Prince Metternich to Prince Esterhazy, the Austrian ambassador to this country, and by him communicated to this government. Hon. members would find it at page 29 of these papers. He could assure the House that no instructions had been given to Lord Cowley, the British ambassador at Vienna, to be present at the conference between Don Miguel and Prince Esterhazy, and his lordship only joined the conference at the desire of Prince Metternich. The intention of Don Pedro to constitute Don Miguel his lieutenant in Portugal was known at Vienna, and was communicated by Prince Metternich to Don Miguel. In consequence of the excitation which then unfortunately prevailed in the minds of the people of Portugal, it was thought necessary that Don Miguel should go forthwith from Vienna to that country. Prince Metternich proposed to him to go thither by way of Paris and London. To this plan Don Miguel expressed great reluctance; and this was the manner in which Prince Metternich explained the matters on which he invited the British ambassador to a conference, "Seeing ourselves thus arrested in our progress by the unexpected resistance we had met with from this young prince, I determined at once, confidentially, and in the fullest detail, to make the British ambassador (whom I had previously informed of the object and end of my conferences with the Portuguese plenipotentiaries) acquainted with all that had passed between them and me, and between his Majesty and the Infant. I afterwards invited Sir Henry Wellesley to meet those gentlemen and me, to take together into consideration the means which we could yet adopt, in order to overcome the resistance of the Infant, and in the event of our not succeeding, to concert such measures, as, with the consent of his government, from which we were quite determined not to separate ourselves in this affair, it might be necessary to adopt without delay, in order not to prolong such a dangerous state of things in Portugal." Such were the circumstances, he repeated, under which Lord Cowley had become a party to that protocol. But Lord Cowley never engaged to see that Don Miguel should perform the engagements into which he had entered towards his brother and towards his countrymen. He never gave any guarantee for the execution of those engagements. He was nothing more than a witness to their having been made; and thus he thought that there was an end to the assertion that Lord Cowley, and through him the British government were a party to the arrangements which Don Miguel formally made with his brother and with his people. His noble friend had likewise stated, that there was a protocol in London, signed by Don Miguel previously to his departure for Lisbon, and that such protocol must have been fixed on before Don Miguel's arrival here, as it was alluded to in a despatch written about the same time from Lisbon, by Sir F. Lamb. He did not feel himself at liberty to state to the House the contents of that protocol; for in arguing on official documents, of which he had determined to refuse the production, he did not think it right to describe their contents. Whenever these transactions should be brought to a final issue, that protocol should be published, and then his noble friend would see that there was no engagement, either express or implied, compelling us to prevent Don Miguel from acting as he had done. Much stress had been laid, in the course of the debate, on the appearance of the British troops in Portugal when Don Miguel first landed at Lisbon, and afterwards when he commenced his violation of the rights of his brother, and of his niece. He believed this to be the most important part of his noble friend's speech, and he knew that it was that which had created the greatest impression on the House. His noble friend had stated, that the appearance of our troops in Portugal was a direct interference in its internal affairs. "It mattered not whether it were intentional or not," he said, "but a direct interference it certainly was." It was true that the British troops were at Lisbon when Don Miguel arrived. It was true that instructions were given to our commanders to avoid interfering in the internal dissensions of Portugal, with this proviso, that in case of necessity, they were to grant protection to the members of the Royal family. "Nothing," said the hon. gentleman opposite, "could have been more easy than for us to have retained possession of the forts on the Tagus," and on that point he agreed with the hon. gentleman, that if we were right to go to war with Portugal to support the Constitution, or to control Don Miguel, the time for going to war, or for using those menaces, which, if disregarded, left no alternative but war, was when Lisbon was occupied by our forces. Could there be any question upon that point? The period during which we had 4,000 or

5,000 efficient troops in Portugal, was the period when it would have been most expedient for us to interfere; but when we omitted that opportunity, and directed our troops to withdraw entirely from Portugal, we abandoned all right of interference for the future. It was only right that he should state to the House that the British minister had withheld the order for the withdrawal of the troops, contrary to his instructions, but in conformity with what he considered the interests of his country. The British government, in the instructions which they had given him, had maintained the position laid down by Mr. Canning—that the troops were not sent to take any part in the internal dissensions of Portugal; and thus they were allowed to stay at Lisbon when Don Miguel arrived, and also when he assumed the royal signature, and usurped the throne of his brother. The British minister, from good motives, disregarded his instructions, acting therein with such perfect propriety as to receive for it the approbation of the government at home. His reason for disregarding them was his desire to ascertain whether there were any engagement binding us to correct the extraordinary conduct of Don Miguel, or whether the interest of the country required that a menacing tone, or even war, should be adopted towards him and his intrusive government. All this took place, he ought to observe, after several appearances of an intention, on the part of Don Miguel, to assume the royal authority, and to place himself upon the throne. The decree for convening the Cortes at last came out, having the royal signature, instead of the signature of the King's lieutenant attached to it. The question, whether it should interfere or not, then came regularly before the British government, and yet, though such was the question brought before it, the order that every British soldier in Portugal should be withdrawn was repeated, and, if he were not mistaken, the letter which contained that order bore the signature of William Huskisson. Thus, if the King's government had basely shrunk from the performance of its engagements, it was at the very time that it could have interfered with the greatest effect; and if it were base to shrink from the performance of such engagements, the King's present advisers were not the only persons obnoxious to that imputation. There was another circumstance, to which it was painful even to allude, but to which he undoubtedly must allude, because it formed one of the combination of circumstances which led his noble friend to suppose that we were under engagement to make Don Miguel perform his contract towards his brother and his people, and that was the oath which Don Miguel had taken before the Emperor of Austria, the King of England, and the British government, to stand faithfully by the Constitution. He admitted that such a promise was given in the most solemn, and that it had been violated in the most shameful, manner. God forbid that he should say one word in vindication of Don Miguel's conduct upon that head. He was well aware of the alliance which his noble friend was sure to form with the sympathies of all who heard him, when he had to deal with the engagements of a person upon whose character such reflections could be cast, and cast with justice. He was also well aware that his noble friend had availed himself largely of that natural sympathy which he was certain to excite when he pleaded in behalf of that young person whom we admitted to be the legitimate Queen of Portugal, and whose right Don Miguel had usurped. He (Mr. P.) was bound, as a minister, to consult the great interests committed to his charge, and to decide on the merits of the question, not by listening to appeals to his feelings, but by pursuing the dictates of reason and expediency. It was true, then, that Don Miguel had disregarded the oath which he had sworn to his brother. What were the circumstances under which that oath was disregarded,—how far the violation of it was in compliance with the prevailing feeling of Portugal,—were points into which he declined to enquire, for he was not prepared to vindicate them. He had, however, heard it whispered that the same circumstances had happened before in the same family, and they might therefore entitle him to some allowance, though he admitted that they could not palliate his oblivion of the most sacred engagements. Honourable members could not have forgotten that the Brazils had been separated from Portugal some years before in nearly the same manner as Portugal had recently been separated from the Brazils. He was afraid that it somehow or other had happened that Don Pedro had contracted towards his father engagements similar to those which Don Miguel had contracted towards Don Pedro. He was afraid that it likewise had happened that Don Pedro,

relying on the support of the people, had violated his engagements towards his father as decidedly as Don Miguel had since violated them towards Don Pedro. He had some reason to believe that when Don Pedro was administering the government of the Brazils in the name of his father, he took the following oath in a letter he wrote. "John, King of Portugal:—I protest to your majesty that I never will be a perjurer. That if the people of the Brazils were mad enough to think of electing me emperor, the election should not be until I and all the Portuguese in the Brazils were cut to pieces, and that I swear all this faithfully to your majesty, writing in my own blood, this oath to be faithful to your majesty, the Portuguese nation, and the constitution." Circumstances arose shortly afterwards, which proved the value which Don Pedro set upon this oath. The prevailing feeling of the Brazils was so strong in favour of erecting the Brazils into an independent state, and of separating them from Portugal, that Don Pedro felt that he had no alternative but to yield to that feeling, and to declare himself emperor, if he wished to preserve any amicable relations with Portugal. It was true that the cases of Don Pedro and Don Miguel were not analogous; for in the case of Don Pedro there was not even the shadow of an obligation made with England; still there was enough of resemblance between them to show that Britain ought not altogether to disregard the way in which such engagements had been violated by another member of the royal family of Braganza. There was another argument of his noble friend, which might appear to possess some importance—"You repudiate," said his noble friend, "all interference now, though I have shown that all your former course has been a course of interference. I claim your adherence, not to your exception, but to your rule. You have interfered often before in the affairs of Portugal, all I ask of you is to interfere again now." Now this, he begged leave to say, was a fallacious argument. He admitted that England had often interfered with the affairs of Portugal. The relations of England to Portugal were so peculiar, that it was impossible for England not to interfere in them. We had guaranteed in repeated treaties the independence of Portugal; and that guarantee gave us a right to interfere in the management of her affairs. His noble friend had said, "You interfered at Vienna about the separation of the Brazils from Portugal, and also about the appointment of Don Miguel to be lieutenant of that kingdom: why do you not interfere for the restoration of the Charter?" He (Mr. Peel) would tell his noble friend shortly why. We interfered in the case of the Brazils, because under our mediation a negotiation had been entered into for separating the Brazils from Portugal, and for placing the crowns of the two countries on different heads. When Don Pedro, by the death of his father, united the two crowns on his own head, we were compelled, by the treaty which had been signed under our mediation, to interfere in order to compel him to make his election of the crown which he would prefer to wear. The treaty of 1825 rendered it necessary for us to call on Don Pedro to fulfil his obligations under it, and to separate Portugal and the Brazils for ever. Such interference as this might possibly be found by his noble friend in numerous cases; but where could his noble friend find any interference on our part with the internal regulations of the government of Portugal? We had been connected with Portugal for four centuries, and in that time many changes had occurred in the form of government of both countries. There were treaties formed with Portugal in the reign of Charles I., and also in the time of the commonwealth, and by those treaties we were bound to nothing more than maintain her independence against all assailants. When the Cortes met in 1822, and claimed our interference in their behalf, what was the answer given to their application by Mr. Canning? It was this—"We have undertaken to guarantee, and are ready at all hazards to guarantee, the independence of Portugal from foreign powers, but we have nothing to do with, and we decline to interfere in, its internal regulations." He therefore said, that there was no moral obligation, having the force of a formal obligation, arising from our past interference in the affairs of Portugal, which called upon us to interfere at present for the restoration of the Charter. But then came another question,—did any considerations of interest compel us to interfere otherwise than we hitherto had interfered? He really did not understand the course which his noble friend wished the government to pursue. We had taken every other alternative but war, or the menace of war. We had withdrawn our minister from Portugal some time ago, and he was

still absent. The English government had, as was generally known, become the guarantee for the payment of a loan made in this country to Don Miguel. The money was sent off to Lisbon, but as soon as Don Miguel refused to take the oath of fidelity to his brother and to the charter, the British minister sent back the first instalment of the loan, which had actually reached the port of Lisbon. On the affairs of Terceira, he did not intend to speak, for it appeared that they were to form the subject of another motion. He knew not to what acts, save those which he had mentioned, England could have resorted, short of war, or the application of such menaces as, if disregarded, would render war a natural consequence. Now, was it for the interest of England, he would ask, to go to war for the purpose of compelling Don Miguel to perform his engagements, or of enforcing on a reluctant people a constitution for which they had no predilection? Under what circumstances, he would ask, was that constitution granted? The House had been told that it was the duty of England to range herself on the side of free constitutions, and against despotic governments; and that she ought, upon that principle, to throw her sword into the balance of parties which were now dividing Portugal. In plain English, the argument of the hon. baronet, and of his noble friend, when stripped of its dazzling rhetoric, was nothing more than this—"We ought to go to war for the Portuguese constitution." Now, whatever the feelings of the people of England might be at present regarding the propriety of such a war, he would venture to predict that two months would not elapse after its commencement, before the supplies for prosecuting it would be withheld. Was, then, that constitution granted with such deliberation and consideration of circumstances as ought to precede the grant of a form of government? It was true that that constitution emanated from a legitimate source. But under what circumstances? Don Pedro received intelligence of the death of Don John on the 26th of April. On the 30th of April he had an interview with Sir Charles Stuart, when mention was first made of the Portuguese constitution. Sir C. Stuart, in his despatch to the British government on the subject, said, "he produced the project of a constitution for Portugal, to the compilation of which he had devoted the greater part"—of what would the House suppose? Of his life? No; Sir Charles Stuart aided, "of a week." This was the manner in which Don Pedro had framed a constitution by which a country 2,000 or 3,000 miles from the Brazils was to be governed! Before this country resolved to go to war, in support of such a constitution, it would at least be material to ascertain how far the affections of the people of Portugal were enlisted in its favour. On the 1st of March, 1828, Sir Frederick Lamb wrote, in a despatch to the British government—"Don Miguel is constantly assailed with entreaties to make himself king. The assumption of sovereign power by Don Miguel is likely to be popular with the majority of the inhabitants of Portugal." In the course of the same month Sir F. Lamb stated, in another despatch—"No party here of any consequence attaches the least value to the charter." These facts being perfectly undeniable, he implored the House to reflect upon the consequences of forcing upon a reluctant people a constitution, however good in itself. It should not be forgotten that an effort had been made in Portugal to oppose the assumption of power by Don Miguel. The army aided that attempt, all the disciplined force of the country was in its favour, and yet the attempt signally failed. The failure of this attempt to dispossess Don Miguel of his usurped authority warranted the assumption that we should meet with no cordial support from the people of Portugal, if we entered upon a war in support of the constitution. It was said that Brazil had proposed to us to enter into a treaty, the object of which was to dispossess Don Miguel of his power and re-establish the constitution; but it was quite evident that this would be merely a nominal treaty on the part of Brazil, and that the whole burthen of the war, if it were undertaken, would fall upon us. Besides, there were good reasons for supposing that even if the government of Brazil were inclined to defray its share of the undertaking, the people of that country would not consent to such a sacrifice in favour of Portuguese interests exclusively. On the ground, therefore, that there was nothing which called upon this country, in vindication of its honour, to go to war, or to pursue any other course than that which had been pursued, on the ground that the interests of the country, apart from considerations of honour, were opposed to war, he would resist the motion, the object of which was to express an opinion in favour of another line of policy. He wished, on his

own account personally, and as connected with the administration, that the papers moved for could be produced; but in the present state of our relations with Portugal, he was bound to state his opinion, that it would not be for the interest of England, it would not be for the interest of Portugal, it would not be for the interest of that party with which the sympathies of his noble friend were so justly and so honourably engaged. On these grounds he was bound to state, on his responsibility as a minister of the crown, that it would not be wise to produce the documents at the present moment. The noble Lord had stated, that the papers already produced on the subject were garbled extracts. He denied that most distinctly. He trusted that the House would not be imposed upon by whatever they might have heard with respect to the predilections of his Majesty's government for arbitrary power and despotic institutions, and of its indifference to free institutions, and to the fate of those who had been engaged in maintaining them; he hoped, he repeated, that the House would not allow itself to be led away by vague accusations, that government was insensible to the painful situation of those persons who had involved themselves in difficulties from their adherence to the free institutions of Portugal. He could state with truth that ministers were at the present moment labouring earnestly and solicitously for the protection of the interests of those unhappy persons, and he could assure the House that one of his main grounds for withholding his assent from the motion before them, was his deliberate conviction that the unreserved communication of documents would not promote their interests. An attempt had been made to raise a prejudice against the government by asserting that ministers had insisted that Don Pedro should give his daughter in marriage to Don Miguel. He could only meet that positive assertion by as positive a denial. The British government had never attempted to press the marriage upon Don Pedro since he declared his insuperable and very natural repugnance to the union. Indeed, all communications with Don Pedro on that subject had been made rather with the view of ascertaining his sentiments than any other object. After the explanation he had offered, he was sure the House would bear him out in the assertion that the British government had done nothing to disgrace the honour of England. The government professed no friendship for arbitrary power, it expressed no approbation of the course of conduct which Don Miguel had pursued. He claimed permission to share in the sympathy which was felt for those individuals who were suffering on account of their attachment to free institutions, and their adherence to the cause of Don Pedro, whom they considered their legitimate monarch; but he trusted it was possible to reconcile that feeling with obedience to the dictates of calm and sober judgment. He thought it was the true policy of England to maintain peace as long as it could be maintained consistently with honour, and not for one hour longer than it could be so maintained. In the present instance he was of opinion that the maintenance of peace was perfectly consistent with the honour and interests of England; and let the judgment of the House be what it might, he, for one, never would be a party to a vote, which would have the effect of contravening the policy which the government had hitherto pursued, and of which he believed the House would, at no remote period, have cause to repent [*cheers*].

Rising after Mr. Huskisson, who had spoken immediately after the right hon. Secretary, in favour of the motion,—

Mr. Peel explained, that his right hon. friend had complained that he had stated that the British army had been recalled from Portugal, whilst he (Mr. Huskisson) was Colonial Secretary, at a time when it was known that Don Miguel had violated the charter. But he had not stated that when his right hon. friend recalled the British troops Don Miguel had taken the title of King, though he had given indications of his intentions to usurp that title. The order was given on the 26th of March; and, previously to giving it, a letter had been received from Sir F. Lamb, stating that the officers of the army had been displaced, and that other steps had been taken, which were the evident precursors of more violent measures. On the 24th of March, Sir F. Lamb notified to Lord Dudley, that the Chamber of Deputies had been dissolved, without requiring that another should be convoked, which was directly contrary to the charter. It was subsequently to the former despatches received from Sir F. Lamb that the order had been used for the recall of the British troops, and he therefore inferred that his right hon. friend concurred in the policy of the

British government not to interpose by force for the protection of the Portuguese constitution.

Mr. Huskisson explained. What he complained of was, that his right hon. friend quoted despatches of his which he did not produce, and he challenged his right hon. friend to produce the letter signed by him.

Mr. Peel (with warmth).—"I deny the charge, [loud cries of 'hear.'] I did not quote the letters of the right hon. gentleman. There is an end of all discussion, if I cannot refer to facts. I said that an order was given for the recall of the British troops by a Secretary of State, and that Secretary was Mr. Huskisson. I quote no letters: I relate facts."

On a division, the motion was negatived by 150 against 73; majority, 77.

THE POOR IN IRELAND.

MARCH 11, 1830.

Mr. Spring Rice, at the close of a long speech, moved for a select committee, to enquire into the state of the poorer classes in Ireland, and the best means of improving their condition.

In the course of the debate which followed,—

MR. SECRETARY PEEL said he was unwilling to permit a question relating so immediately to the domestic policy of one part of the empire, and not very remote from that of the other, to pass without a few observations from him, particularly in consideration of the public situation which he held. He was favourable to the appointment of the committee; for nothing could be more improper than to attempt to legislate upon the subject of providing for the Irish poor, without very mature preliminary enquiries, and nothing could be so unwise as to reject the proposal to legislate after such enquiries had been made. One great part of the value of the committee would depend on the mode in which the enquiry should be conducted. If the committee entered into the general condition of the Irish poor, he would not say that much valuable information would not be collected, but perfectly certain was he that no practical result would ensue. He would advise his hon. friend, who he supposed would sit as chairman of the committee, to make his report upon the few following points:—First, a clear statement to the House, and to the British public, of the existing enactments in Ireland, with reference to the provisions for the Irish poor; the extent to which the land is subject to any pecuniary levy for the purposes of providing for any classes of the poor, mutilated, diseased, or wanting subsistence; next to enquire, whether it were desirable to extend those enactments, and to describe the measures by which they were to be extended, with the machinery by which they were to operate; and lastly, the committee should report on the effect which the system of Irish Poor-laws would have upon the population of Ireland. Nothing could be more plausible and specious than the first appearance of the proposal for assimilating the two countries, or extending the English Poor-law system to Ireland. It might appear that the poor had a natural claim to relief. By poor he meant those that were unable to provide for themselves; and great injustice arose practically from the existence of Poor-laws in one place and from their absence in another. The gallant General who seconded the motion felt the inconvenience of the Poor-laws, and he wished to impose the same suffering on Ireland. He was like the fox who had lost his tail, and who wanted to persuade all other foxes that tails were an encumbrance. He would give the whole of the English system to Ireland. Many gentlemen said—Apply all the good of the English system of Poor-laws to Ireland, and without any of the evil. But even if this could be done, the question was, could they exclude the gradual growth of what was bad? There was an inevitable tendency, in any such a system, to grow into abuse; and if the poor had an acknowledged legal claim to relief, where could the limitation of that claim be fixed? If every man who could not support himself were to have an acknowledged legal claim upon the wealthy, the land of Ireland would be subject to an Agrarian law, and the present possessors of the soil would have to part with their property, and, what was more, without any material, and certainly without any permanent, diminution of the

distress. If the right or claim be confined only to those who were diseased, that limitation would not be found much stricter than the other; for if a man were unable to procure employment, and especially if he had a family, the step from poverty to illness was very short. The hon. member for Armagh had said—"We won't have Poor-rates, but we will have a Labour-rate, and nothing shall be raised on the land except to provide for the employment of the poor." The hon. member, by this principle, provided no relief for distress; he excluded the decrepit, and all who could not labour. Was this "Labour-rate" to be applied in the parish in which it was raised? What would this be but a subscription from the rich, and a diminution of their means to employ the poor, and how would this increase the demand for labour? It would *pro tanto* diminish the means of the prosperous farmer, to be applied to a forced labour, which would not otherwise arise, or be actually necessary; the produce of which being less productive in amount, and in every respect of inferior benefit to the country than the labour the farmers would employ with that capital if it were left in their own hands, there would ultimately be less employment for the labourer, and diminished wages, than if no such Labour-rate were imposed. Before the House consented to the introduction of the Poor-laws, under the name of Labour-rate, let the House consider the practical operation of that system; and they would find in it no material distinction, either in principle or effect, from such a rate as was called the Poor-rate in England. His hon. friend, the Treasurer of the Navy, advocated the Scotch system, instead of the English. Now, what was meant by the Scotch system? for in Scotland the system in the Highlands was perfectly different from that of the Lowlands and manufacturing districts. By the law, the system in every part of Scotland should be the same; but practically this was very different. He much doubted if, according to the decisions of the Scotch courts, there was not a legal claim for relief by every one of the poor who was unemployed. He doubted if the Scotch system were legal as it existed, or if any system of taxing parishes for the support of the poor could check the ultimate evil now felt in this country. It was impossible for him to discuss absenteeism at that time, although he felt all the inconvenience of it; but he would at once reject the doctrine which considered it proper that Parliament should attempt to interfere directly with absenteeism. It might be thought plausible to impose a tax upon absenteeism; but if any man did entertain such a notion, and wished to be converted, or was open to conviction, let him read the letter of Mr. Burke to Sir Charles Bingham. In 1774, when Ireland had an independent Parliament, a tax on absentees was proposed, and a very popular and prevailing impression existed in favour of the tax; but Mr. Burke's arguments were perfectly conclusive, and they had changed the opinions of many of those who were disposed to decide in favour of the measure. But at present, when the public duties called the Irish gentry away from their country, and when so many possessed property in both parts of the United Empire, how could it be consistent with justice to impose such a tax? The question was altogether beyond the direct interference of the legislature. But the most material object to be kept in view by the Committee would be, to satisfy the people of England by its enquiries. There was, unquestionably, a great practical injustice in the working of the Poor-laws at present. Although the greatest abuses existed respecting the passage of Irish labourers into England, he must confess that he felt averse to imposing any restriction on a free passage. His hon. friend proposed imprisonment as a check, he would probably confine all the Irish labourers who came to Liverpool in that town at the expense of the corporation; but, of all checks to immigration, imprisonment would be the most useless and objectionable.

General Gascoyne: I said imprisonment and hard labour.

Mr. Peel continued: Then the passengers would never come again. But it would not be a cheap way of getting rid of Irish labourers, to build a jail and support them at the expense of the rest of the population. The best way would be to find an open market for the poor man's labour, his only commodity; and any laws to prevent the poor man from passing freely from one part of the country to another would be pregnant with injustice. As to large institutions in Ireland, to receive the poor who were unable to provide for themselves, he despaired of any effectual remedy from such a scheme. This was the worst system that could be introduced; for it was providing not only food but lodging, which ought not, he thought, to be done, except in cases of disease, or decrepitude from accident. He much doubted if the intro-

duction of the English Poor-laws into Ireland would relieve the poor of England; for England did not suffer from Irish distress, but from the invasion of Irish labourers. The English farmer had the benefit of cheap labour, by the influx of Irish poor. The Poor-laws in Ireland would increase distress, as they would prevent the building of cottages, and have other injurious effects. They would probably banish from the country a number of persons of small fortunes, who would not like to be subject to the additional annoyance of the Poor-laws. Although he thought it a dangerous experiment to introduce the English Poor-laws into Ireland, yet the proposal ought not to be rejected without the most deliberate enquiry. The Committee, however, would only have to consider the distress which existed among the labourers; and the best means of providing them employment and relief. In that view of it he gave his cordial assent to the motion.

The motion was agreed to and a committee appointed.

THE TREASURER OF THE NAVY.

MARCH 12, 1830.

The Order of the Day having been moved, for the House to resolve into a Committee of Supply, Sir James Graham moved, pursuant to notice, by way of amendment, the following resolution:—"That it is the opinion of this House, the late vacancy in the office of Treasurer of the Navy afforded an opportunity to save the sum of £3,000 a year, without any violation of existing engagements, and without any detriment to the public service."

In the course of the debate which followed,—

MR. SECRETARY PEEL said, before the House disposed of the proposition now submitted to its consideration, it would not be immaterial distinctly to recall to its recollection the character and principle of that proposition. It was not a motion to reduce an excessive estimate, nor to diminish an extravagant vote, but to visit those who had made this appointment with condemnation and censure. Thus a question of justice was inseparably interwoven with a matter of policy. The House was called upon to pronounce a verdict; it was sitting, not merely in its political, but in its judicial character; and, however highly excited party feelings might be he was certain there were few members who would consent to pronounce that verdict without listening to the evidence, and paying due regard to the intentions of the accused. The *animus* was always a very main ingredient in the estimate of criminality. Never had he been more satisfied of any thing in his life, than that if the House adopted the proposition of the hon. baronet, it would be doing an act of the most flagrant injustice. Standing in the situation he (Mr. Peel) occupied, appearing as the advocate of the accused, and addressing the House as the judges to decide the question of guilt or innocence, he felt that it would be an insult to require its forbearance and indulgence. In the year 1828, when a schism, to the circumstances of which he could never refer without regret, occurred between the members of the government, his right hon. friend Mr. Vesey Fitzgerald had been appointed President of the Board of Trade and Treasurer of the Navy. Lord Melville and his hon. friend behind him (Sir G. Cockburn) protested against that joint nomination, and they had nothing in view but the efficiency of the service, which they apprehended would then be injured: they contended that the two places should not be united in the same person; and the question was considered at the time with reference to what had passed in the year 1826, when the House had overruled the proposal of government that these offices should be disunited. Ministers, in 1828, thought it right to defer to the sense of Parliament, and Mr. Vesey Fitzgerald was therefore called upon to discharge the duties of both situations. So matters continued, until the health of Mr. Fitzgerald broke down under the weight of his united duties and anxieties, and it then was required of Ministers to consider what arrangements could be made to provide a substitute. To the abilities and aptitude for business of Mr. Fitzgerald he had borne testimony on a former occasion, and it was not necessary to repeat it now; but during the whole summer his health had suffered from his laborious attendance on Parliament, and on the duties

of his office, till at length it entirely failed, and when he retired ministers did certainly think that the time had arrived when they might safely depart from what appeared to have been the intention of the House—provided, at the same time, a saving of the public money could be effected. If they had wished to make out a specious case, and not to trust to the good sense and feeling of Parliament in judging of their intentions, they might have filled up the office of Master of the Mint, with a salary of £3,000 a year—have appointed a Treasurer of the Navy, as the office still existed, and have united the situations of President of the Board of Trade and Treasurer of the Navy, with the emoluments which previously belonged to those united offices. Had that course been pursued, not a word of objection would have been uttered; and were not ministers at liberty to save the public £2,200 a year if they could, although they did not, in other respects, adhere closely to the wishes of Parliament? The argument of his right hon. friend (Mr. Huskisson) had been, that the wishes of Parliament had been expressed, in 1826, contrary to the views of government, and that Ministers, on the recent occasion, ought to have deferred to the Resolution of the House. No doubt, in a matter of indifference, such should have been the course; but if it were found that the health of a valuable and able public servant had yielded to the pressure of the duties of both offices, and if, by departing from that course, £1,000 a year in the first instance, and ultimately, £2,200 a year could be saved to the public, with a relinquishment, besides, of patronage, was it consistent with the principles of common justice to visit government with a vote of censure and condemnation? Ministers had thought that they might review the circumstances of the appointment, and they had decided that the best arrangement was not to make the deputy principal, but to secure to a great national establishment the services of a public man of ability, while, at the same time, his salary was reduced. The hon. Member for Montrose had asked how the Treasurer of the Navy could discharge his official duties, be present in his place in Parliament, and attend also as a Member of the Wexford Committee? He (Mr. Peel) wished to know how the same man could be Treasurer of the Navy, President of the Board of Trade, be present in his place in Parliament, and attend also on the Wexford Committee? Surely, if three were incompatible, *à fortiori*, four must be incompatible also, according to the very showing of the hon. gentleman. But before the House became parties to this vote of condemnation, he implored it to attend to the opinion it had expressed by its committee. From the year 1788 to the present time, various enquiries had been instituted into the office of Treasurer of the Navy, and no committee had yet ever suggested the fitness of abolishing the office. Several had complained that the duties were performed by deputy; and hence, an opinion was implied that, for the sake of the public service, it ought to be made a substantive and efficient appointment. Upon this point, he would not go farther back than the Finance Committee of 1817, of which the President of the Royal Society (Mr. D. Gilbert) had consented to act as chairman. What was the report of that committee? Before ministers filled up the post, they had referred to all the reports; and if they had erred, they had erred with authorities in their favour, which, in mere justice, would prevent Parliament from joining in a vote of censure and condemnation. The Report of the Finance Committee of 1817 was, that the salary of the Treasurer of the Navy was much too large. A deduction was therefore recommended, and it was proposed that the office and its salary should be placed upon the same footing as that of the Paymaster of the Forces. At that date, the salary was, £4,000 a year; and the committee added, that it was not for them to determine whether it should be lowered to £3,000 a year, or to any other sum. Thus it was evident, that ministers had not acted in precise concurrence with the suggestion of the committee, because they had gone beyond it, and had lowered the emolument of the office of Treasurer of the Navy below £3,000 a year. They had reduced it to £2,000 a year, and had put it precisely on the footing of the Paymaster of the Forces. If, after this recommendation, and this conduct founded upon it, Parliament were to turn round at once, and pass a vote of censure upon ministers, he must say, that reports of committees, instead of being beacons to guide, would be converted into false lights to delude. The value of reports would be at an end—“Bring me no more reports—let them fly all”—since it would be far safer for ministers to act on their own responsibility and discretion than on the recommenda-

tions of committees. In filling up the recent vacancy they had adopted the very advice of their political opponents, and they felt satisfied that it was utterly impossible for men on any side of the House to object to the arrangement. And here, he must say, although he had had some reason to be prepared for opposition from his right hon. friend (Mr. Huskisson), he was, nevertheless, utterly astonished by his speech. He had referred to the Nestor of the Cabinet (Lord Bathurst), and to the example of Mr. Rose in 1807, observing, that he himself was the only man in the House who had held the united offices of President of the Board of Trade and Treasurer of the Navy: he therefore hoped that the House would confide in his authority. At present, his right hon. friend held neither office, and he might say with Macheath—

“How happy could I be with either”—

But in 1826, when doubly burthened, he added, like the same gallant captain, another line to his song—

“Were t’other dear charmer away;”

for, although he now argued that another appointment ought to be added to that of Treasurer of the Navy, in his speech on the 7th of April, 1826, he contended that the duties were more important than they were generally supposed, and that they could not be properly executed by an individual who was also President of the Board of Trade. Mr. Huskisson then said:—

“He also was relieved from the necessity of saying any thing relative to what some gentlemen called an useless office,—the Treasurership of the Navy. After what had been stated by his right hon. friend near him, and by the right hon. gentleman opposite, it was scarcely necessary to add, that the business of that department had very considerably increased, as well as the importance of the duties connected with it, since the transfer to it of the management of seamen’s wills. It was quite erroneous to suppose that the business of that office was a mere matter of paying money. So far from that, the Treasurer of the Navy was called on to exercise his discretion in the instance of every demand made on him for money. He was obliged to sift the grounds of each claim, and to decide on the merits of the applicant. With so many branches of public duty to be performed, the Bank could not be expected to execute them, or to exercise any discretion on the different cases submitted to the consideration of whoever might be placed in the superintendence of that department. Whether from his not having that capacity of mind which the discharge of such duties undoubtedly required, or from whatever other cause, he confessed he did feel considerable hardship arising out of the union of the two offices of President of the Board of Trade and Treasurer of the Navy. He felt not only the difficulty attendant upon a due discharge of the duties of both, but the anxiety which proceeded from the great pecuniary responsibility which attached to one of those offices; the weight of which was, in no inconsiderable degree, augmented by the duties arising from the frequent complaints from the Navy-office, the Victualling-office, and other departments of the public service connected with it. He declared that, united as those offices were in him, he could not satisfy his mind that the duties of the Treasurership of the Navy were, so far as he was concerned, duly and adequately performed.”

“In answer to what had fallen from the right hon. gentleman, with reference to whether or not he had time enough to discharge the duties of both employments, he certainly could not reply that he had not time enough; but he could most truly declare, that to whatever cause it might be owing, he was not able to do the duties of both offices with that satisfaction to his own feelings with which he thought every public duty ought to be performed. Beyond question, the country was fully entitled to his best services, and to all his services; but so long as he remained unable to divest himself of the feelings to which he had adverted, he was convinced that it was any thing rather than a public service to continue in possession of both offices without being able adequately to discharge the duties attached to them.”

“The right hon. gentleman opposite had told the committee, that when he held that office he contrived to do other duties of a

public nature. Doubtless, a man of his powers and diligence was capable of holding such an employment with advantage to the public, and also to discharge other duties of importance; but this could not be accepted as a proof that the burthensome duties at the Board of Trade were compatible with those at the Navy-office. The further consideration of this question he would now leave in the hands of the House, so far as he was personally concerned." This opinion, which his right hon. friend then gave, of the duties of the two offices, was, in his view of the matter, a correct one, and it had been confirmed by the failure of the health of Mr. Fitzgerald; and ministers were, therefore, led to believe that the plan they had recently adopted was advisable, not only on the score of public economy, but because the duties of the office could not otherwise be efficiently discharged. The Presidency of the Board of Trade had been united with the Mastership of the Mint, because the right hon. gentleman who occupied those two places was, at least, not new to either of them. It ought not to be forgotten that the proposal of 1826 was to add £2,000 a year to the public burthens, while the plan ministers had pursued saved more than that sum to the public. He did not know that he could say more on this subject, for he would not enter into the details, resting confidently upon the justice and equity of the case to produce their due impression upon the House, without any bias from party feelings or personal resentments. He would put it to all who heard him, whether the general conduct of the present government—that of the Duke of Wellington—was such as to justify a vote of censure. He was sure that the House, sitting as judges, would not only consider the wishes of the hon. mover, but the intentions and the acts of the government. The great advocate for economy (the hon. member for Montrose), to whose motives posterity would do justice, however annoying and persevering his opposition, had repeatedly acknowledged, that, comparing the present Cabinet with any that had preceded it, he thought that it had evinced a more sincere desire than any other to spare the public purse. It did not, indeed, go as far as the hon. member wished; but still he had felt bound, in justice, to admit, that it had gone a great way. The hon. baronet (Sir J. Graham) had urged that it was necessary to reduce this office, in order to lessen the number of that band of pensioners who were called upon, on every occasion, to overwhelm the sense of the independent portion of the House. The hon. baronet and the hon. member for Westminster (Mr. Hobhouse) were at issue, in some sort, upon this point, as the latter had said, in a recent debate, that he preferred a bad strong government to a good weak one. It became important, therefore, to consider the present amount of government influence, compared with the better periods of our history, to which the hon. baronet had referred with such apparent satisfaction. Some time since returns were called for and laid on the Table showing the number of members of Parliament who held office, place, or pension in the first Parliament of George I.; a similar return was made for the first Parliament of George II.; and a third return of the members of Parliament who held offices at the pleasure of the Crown, or other places, in the first Parliament of George IV. In the first Parliament of George I., instead of the fifty or sixty placemen now in the House, they had 271 members of Parliament holding situations at the pleasure of the Crown. In the first Parliament of George II., there were 267 members also holding offices at the pleasure of the Crown. This was a much greater number than at present. Perhaps it would be said that those offices were so skilfully divided, that a few situations were spread over a numerous body of placemen. What, however, was the fact? So far from a few offices being made to serve a great number of holders, the skill was exercised in accumulating upon the heads of individuals a number of offices, which, by persons less adroit and able than were the dispensers of Crown patronage in those days, would have been considered utterly incompatible. At the time that there were 271 servants of the Crown, holding their situations during pleasure, sitting in that House, Mr. Craggs was, by the singular dexterity of that period, enabled to hold the offices of Vice-Treasurer of Ireland, Lord Warden of the Stannaries, Comptroller of the Household, and Governor of St. Paul's. Another member of the Parliament was Secretary of State, Secretary at War, Clerk of Deliveries to the Ordnance, and a Lord of Trade. A third member was a Secretary of State, Comptroller of the Household, a Lord of the Treasury, and Ambassador to Spain. The present number of members in that

House was 658; the number at the time of which he was speaking, was 558—there then existed an Irish Parliament—and it was pretty generally acknowledged that that body possessed an adequate supply of parliamentary offices. It was quite clear, therefore, in comparing the influence of the Crown at present with those days of whig constitutional purity, that the balance was greatly in favour of the present time. The hon. baronet by whom the motion was made contended for the reduction of the influence of the Crown by the reduction of the office against which his speech was directed; but he thought it had been made pretty well manifest that the influence of the Crown was undergoing a most rapid reduction. Without dwelling further upon those topics, he should call upon the House to review the general conduct of the Duke of Wellington's government. His hon. friend near him, the Secretary to the Treasury, stated not long since, that during the summer the noble duke at the head of his Majesty's government had been occupied in effecting every possible reduction consistent with the interests of the public service; and the effect of his having so long and so assiduously directed his attention to that subject was, that from that time to the present it had not been in his power to bestow any office of sufficient value to be worth the acceptance of any person holding the rank of a gentleman. The fact was, that so limited was the number of offices now in the gift of government, that the patronage of the Crown might be considered as mortgaged for several years to come. He would ask, had the Duke of Wellington supported his government by a prostituted or lavish expenditure? On the contrary, it might, with perfect truth, be said, that, with very few exceptions indeed, he had not conferred any civil distinction since he came into office. Other governments preceding his, might have found it necessary to avail themselves of the prerogative of the Crown, even to an extent that might have been called a lavish expenditure of public honours. The Duke of Wellington had in no instance availed himself of that branch of the royal prerogative, of the exercise of which former administrations had been so lavish. Upon enquiry it would be found, that in no one case had he conferred any civil honours since his accession to office. In the days of Mr. Pitt, perhaps, a different course might have been found necessary. But he was mistaken in saying "in no one instance;" there were some few exceptions—one or two perhaps—but they were not cases in which any influence could be exercised over that House. His noble friend had, with these exceptions, never felt it necessary to recommend the exercise of the prerogative of the Crown in that respect; not that he undervalued that patronage, but that he had not found it necessary for the purposes of government as it was in former administrations. The present administration looked for support to public opinion, and they felt that, relying upon that, and steadily pursuing that course which they considered most likely to deserve it, the influence of such patronage might be dispensed with. Greatly indeed should he be disappointed if the vote of that evening should convince him that they were mistaken in such reliance, and that they required such influence. The House would no doubt exercise its own discretion as to the motion before it, and if, after what the ministers had already done, it should think proper to adopt the proposition of the hon. baronet, they would bow with submission, but they would still have the satisfaction of thinking that they had not deserved the censure. He must observe, however, that if the House passed a censure on the ministers who had done most in the way of economy and retrenchment, it would hold out to their successors the folly of relying on public opinion, in lieu of that patronage which other administrations had so profusely exercised.

On a division of the House, the motion was negatived by 188 against 90; majority, 98.

DISTRESS OF THE COUNTRY.

MARCH 19, 1830.

Mr. Edward D. Davenport moved (on the 16th instant) "That the Petitions complaining of distress in various classes of the community be referred to a Committee

of the whole House, with a view to enquire into and report upon the causes of that distress, and the remedy thereof."

On the third night (March 19) of the debate on this subject,—

MR. SECRETARY PEEL said, he felt the full force of the observations of the honourable Mover, on the importance and extent of the enquiry; and he agreed, also, that each branch of the subject demanded the most patient investigation. Of the various topics introduced by the hon. baronet, the member for Cornwall (Sir R. Vyvyan), there was one which he (Mr. Peel) begged altogether to exclude—he meant the reference made by the hon. baronet to party considerations. He declined following him upon that point, because he was anxious to enter upon the consideration of the sufferings of the people, without that temper of mind which party questions were likely to produce. In steering his course through the crowded chart of facts and arguments adduced, he felt the want of a meridian line by which he could be directed, and perhaps, therefore, it would be better for him to pursue the track of those who had preceded him in debate. Acting then upon that view of the question, he had not the slightest hesitation in urging that it was the imperative duty of the legislature to review all the means calculated to mitigate the existing sufferings of the country—taking especial care that they adopted none which were not perfectly compatible with the real and permanent interests of the whole community. Deeply lamenting, as he did, and as no man in the country of just feelings could help doing, the existence of the public distress, which he admitted to exist, though not in the degree, and to the extent which some hon. gentlemen asserted—deeply lamenting, he repeated, the existence of that distress, he was most anxious to do all that could be done for its mitigation. He once more repeated, that admitting its existence, he most decidedly differed from hon. members, as to the nature and causes of that distress. But before he proceeded with any more general observations on that point, he wished to call the attention of the House to a statement made by his right hon. friend, the Member for Liverpool, a speech, as able as it was candid, and the temper and moderation of which he should be proud to imitate; the statement to which he alluded was respecting the Savings' Banks; the deposits made in them, and the degree in which those deposits might be supposed to indicate the nature and extent of the prevailing distress—which, if the statements of his right hon. friend were borne out by the facts, must be considered a degree of distress universal and overwhelming. He stated that the deposits in the Savings' Banks had materially diminished in the year 1829, as compared with the year 1828. In 1828 the deposits amounted to £945,000, and the sums withdrawn amounted to £678,000. In 1829, the deposits were £449,000, and the sums withdrawn amounted to £1,445,000, and these facts his right hon. friend regarded as a conclusive evidence of general distress. Now, could the facts not be accounted for in a manner the most complete and perfect, he should certainly agree in the conclusion which had been drawn from that statement. But he should have no difficulty in satisfying his right hon. friend that those circumstances did by no means warrant such an inference, or furnish the degree of proof sufficient to sustain the alarming position for which his right hon. friend contended. It would afford him also, he was sure, sincere pleasure to hear the satisfactory answer which might be given to that argument; and as the House must feel a deep interest in any thing so materially affecting the condition of the poorer classes, he begged that it would grant him some indulgence while he entered into the detail of the subject. In the year 1828 a law was passed, the operation of which had a most material bearing upon the deposits in the Savings' Banks; and that law was quite sufficient to account for the disproportion between the deposits and withdrawals of the one year and the other; namely, 1828 and 1829. The operation of that law commenced in November, 1828. Previously to that time the interest allowed at Savings' Banks was threepence per diem, being £4, 11s. 3d. annually. In November, 1828, the date of the statement he spoke of commenced, and it would be found that the period at which the diminution began exactly coincided with the time when that law came into operation. The interest on deposits was changed from 3d. to 2½d.; and it was further enacted, that in one year the amount of deposits should not exceed £30 from each individual; and that when the deposits, interest, and principal should amount to £200 from that time forward all interest should cease. It must be obvious to the House, that the immediate effect of such a law must be, that considerable sums would be withdrawn

from those establishments. He was sure his right hon. friend would be glad to hear that the persons making small deposits in 1829 were much more numerous than those making small deposits in 1828. He had lately obtained returns of the number of deposits in and near the metropolis, and in other parts of the country, distinguishing those who had deposited under £20 and above it; those who had deposited £50 and under £100; above £100 and under £150; above £150 and under £200. He found from the return, that in 1828 the number whose deposits amounted to above £20 was 2,273, and in 1829 they were reduced to 1,850; but in the latter year the number of deposits under £20 had most materially increased, so much so, that the total number of one year was upwards of 4,000 above the other. In 1828 the total numbers were 66,240, while in 1829 the numbers were 70,150. He should make no apology for occupying so much of the time and attention of the House in details so minute, for he was assured that they could not fail to feel that deep interest in any thing affecting the labouring classes which their condition called for, and which at all times the House of Commons was forward to manifest. This subject was one on which much stress had been laid by his right hon. friend, and from which he was sure, when the real state of the case was known, his right hon. friend and the House would draw a different conclusion from that to which he had come. He would therefore state to the House the names of some of the places in which an increase of the deposits of the sums last mentioned had taken place, and he would do this to show that the improvement of which he took it to be a proof was not confined to one town, or one district of the country. He had returns from Liverpool, Norwich, Panton-street Haymarket, Shrewsbury, Sheffield, Southampton, Truro, Warwick, Worcester, Exeter, and Leeds, and in every one of those places the number of depositors under £20 had increased. Hence it was evident that the inference of his right hon. friend had no foundation—for the total increase of 1829 over 1828 was 4,000 depositors, and the diminution in the amount of deposits was fully accounted for by the law of which he had just spoken. No man could feel more strongly than he felt the imperative necessity which then existed of consulting the interests of the labouring classes, and no man could approach the consideration of those interests with a more earnest desire to promote them than he should. He thought it one of the first duties of the legislature to do all in its power to excite a taste in the humbler classes of society for those comforts and those enjoyments—those luxuries, he might add—of civilized society, the desire for which, and the habitual possession of which, would form the best guarantee for their good conduct, and the best guarantee that the higher classes could have for the possession of their property and their power, as at present enjoyed. It was urged, and with perfect justice, that the remission of taxes was amongst the means by which that most desirable object could be chiefly effected; and he would ask, had not the government of the King proposed the remission of taxes to a great amount? The noble lord opposite (the Member for Northampton) had given his Majesty's government credit for the selection of taxes which they made for the purposes of repeal—for having made that selection more with a view to the real interests and necessities of the people, than to any thing which might promote the influence of their own administration in that or the other House of Parliament. That was testimony of a satisfactory kind, and upon which he set considerable value; but the facts spoke for themselves. Their best vindication would be found in a reference to the taxes actually repealed. His right honourable friend seemed to recommend a more extensive commutation than had yet been thought of, and the levy of taxes too, on something else, in lieu of what, for the relief of industry, might be repealed. The House could not fail to observe, that his right honourable friend most skilfully avoided the enunciation of what that something else was to be; but his drift was not to be concealed. The House might naturally suppose that amongst the various subjects connected with the finances of the country, which had occupied the attention of government, the question of a property-tax had not escaped them; it was one of those that they had most seriously mooted. It was a question which, if they had not most maturely deliberated on, they should ill have discharged their duty as exercising the executive power of the State. They had most attentively considered the bearing of such a tax as affecting the commercial, the professional, and the landed incomes of the country; and also the question, if such a tax were

resolved upon, what might be the effect of confining it to the landed incomes, and excluding the other two classes. After those mature deliberations, then, the conclusion at which they arrived was, that they should best discharge the duty they owed the country, by repealing this year £3,400,000 of taxes—that was the measure which to their minds appeared best calculated, in the way of reduced taxation at least, to relieve the necessities of the people. In doing that, however, and in making these observations, he begged to be understood as giving no pledge upon the subject of a property-tax, or making no assertion with respect to it one way or the other—standing in the situation in which he did, it would be extremely injudicious in him to restrict himself by any pledges whatever on either side. The course which they had adopted pretty plainly proved that they had not resolved upon submitting to parliament any proposition for a property-tax. Another subject which had been touched upon by his right hon. friend was the system of banking, and what might be done with a view to its improvement. This also was a topic which he thought could not be adverted to by him with too great care and delicacy. He was not one of those who underrated the value of the important services which bankers rendered to the country. Indeed, in looking to the utility of the whole as a body, he thought they were too apt to overlook the general advantage derived from them, and to dwell on individual cases of abuse. He, however, was not of this number, and he did hope that it might be possible, in any improvements that might be made in the system, to reconcile the interests of the body to which he alluded with those of the public. Upon the nature of any improvements that might be made in the system, he was not then disposed to enter; but he must say, that to throw open the banking system to every adventurer,—to consent to the establishment of Joint Stock Banking Companies, with only a limited responsibility, while the responsibility of the private banker extended to his entire property, were measures which ought to be considered with great caution. He would now approach some of the remarks made by the hon. member who last addressed the House, and he must own that the speech of the hon. member confirmed him in what he had all along feared,—that whatever might be the views of the hon. member who brought forward this motion, those of very many by whom it was likely to be supported would be directed to some enquiry, which would go to a revision of our Currency system, and also to that of Free Trade. If he might take the hon. member's speech as an indication of the general intentions in this respect, there could be no doubt on the subject; and he was glad of it, for he did hope that their discussion of that night would put an end to the Currency question. He knew the hon. member could agitate it again and again, if he pleased, but he was willing to believe that this, the seventh or eighth decision of the House upon it, would put an end to all further doubts upon the subject, and that they would now debate it for the last time, by showing that it was their firm determination to adhere to the system already adopted with respect to our currency. But the hon. member (Mr. Attwood) asked with great force of declamatory eloquence, “Will you abdicate the functions of Parliament by refusing to enter into an enquiry on a question so important to the country?” He (Mr. Peel) would answer, Yes. Parliament had now discussed the question so frequently and so fully, that members were already in possession of every thing which could be known respecting it. Did the hon. member, by the proposed enquiry, mean that the standard of value should be altered, or was there any great error which he would wish to have corrected in the measure of 1819? If he did, he hoped the House would now pronounce its opinion upon both points. As the author, in a great degree, of the measure of 1819, he begged the House would indulge him while he offered a few remarks in support of its principle, and the more particularly as he trusted they were now discussing the question for the last time. The two questions he would ask the hon. member were—had there been an error committed in the measure of 1819, and in what way were they to correct that error? Let the House bear in mind that ten years were now elapsed since the adoption of that measure, which had since been farther confirmed by repeated decisions of that House. Upon that adoption, and its subsequent confirmation, a variety of contracts, mortgages, and other pecuniary engagements, had been entered into, on the faith that the measures of parliament would be strictly persevered in. He asked, then, was it advisable that the whole of those engagements should be given

up?—that the faith of parliament, pledged for the measures in which they were founded, should be broken? But what course would the hon. member take? Would he have a paper currency convertible into gold? Would he alter the standard of value, or would he have an inconvertible paper currency? If any one of those were the measure he would point out, and to some of which, in his own declamatory mood, he had alluded, why should not he, who knew so much on the subject, provoke a discussion by the introduction of a short bill? A single sheet of paper would contain a bill for any of those objects: why then not introduce it at once? But as the hon. member had shrunk from such discussion, he would not then enter minutely into it, but would make a few observations on the facts brought forward by the hon. member. The hon. member stated, that we had £800,000,000 of debt, which had been contracted for in a currency depreciated more than twenty per cent below that in which it was to be paid. But if the hon. member looked to the real facts of the case, he would find that this was not so. Let him consider that a large portion of this debt was contracted in a currency nearly as high as that in which the public creditor was now paid. But suppose the public creditor were to be paid only in the currency in which the debt was contracted, he would ask the hon. member to discriminate who were the parties to whom the depreciated rate of payment was to be made? A great majority of the original contractors had passed away, and since 1816 a vast portion of the public funds had got into the hands of persons who did not pay for it in a depreciated, but in an improved currency;—not in the value which the hon. member would set upon it, but in the improved mercantile value. Surely the hon. member would not turn round on those parties and say to them, “You must be the dupes of your confidence in the resolutions of parliament, which state that faith should be kept inviolable with the public creditor!” When the hon. member deducted from this £800,000,000 the amount standing in the names of those who purchased at a rate nearly equal to the present value, and those who had since purchased at a full value, he would find that this sum would be reduced to a very small amount indeed. He would now come to the alteration in the standard of value. It had now existed for eleven years, and under it a variety of contracts and obligations had been entered into. Would it not, then, he would ask, be a greater evil to depart from the system, than to persist in it as it is? If the hon. member thought not, he would again tell him that his best mode of bringing the question to an issue would be to introduce a measure by which he might show, if it could be shown, that no inconvenience would result from the alteration. Referring again to the bill of 1819, however unpopular the assertion, or to whatever degree of obloquy it might subject him, he would affirm that the introduction of that bill was no error. No doubt many hon. members then in the House, who had taken an active share in the discussion of that measure, would be ready to relieve him from any degree of personal responsibility attached to it, by stating that it was one in which they also had joined. Indeed, when he mentioned that it was a measure that had been sanctioned by the legislature, he might relieve himself from all equitable or legal responsibility. But without sheltering himself under that, he would then contend, that in that measure parliament had pursued the wisest and safest course for the welfare of the country, and nothing could be more grossly incorrect than the assertion that it was not so. It was said, that this change in the currency had depreciated the value of commodities more than twenty per cent, and in fact every degree of distress, every depression of trade, every panic or commercial revulsion that had since occurred, had been attributed to that bill. Now, it might not be unimportant to ask whether there had been no convulsions, no panics, no depression, before it became a law? Let him beg of the hon. member to consider what had taken place in 1793, just at the commencement of the war. What was the situation of the country in 1797, when we had restricted the issue of gold, and had substituted a paper currency? What was the state of the country in 1810, when there was not even a whisper of intention to return to cash payments? Why, in that very year, a committee was appointed to enquire into the distress, and it reported that credit had been destroyed in the country, that many of the commercial transactions of the country were carried on at a loss of from sixty to seventy per cent., that a number of manufacturers continued their men in employment only to afford them a precarious subsistence, and to prevent the injury to their machinery which inaction occasioned. Every symptom of the country at that time was much

worse than at present, and yet there was then no appearance of a return to payments in gold. He would next direct the attention of the House to the year 1816, and he begged, in doing so, to remind the hon. member for Essex, that he then brought forward a resolution affirming that agriculture was, at that period, in a state of very great distress. He did not know whether the hon. member had lately referred to the able speech which he then delivered on the causes of the distress, or whether, if he had, he might not think that the different circumstances of the country since then would be a just ground for having altered his opinion. In that speech, the hon. member attributed the agricultural distress to a fall of prices, and he argued very powerfully to show, that an inconvertible paper currency would have a prejudicial effect on the value of the produce of home tillage. The hon. member had also then argued that a paper currency was the effect, and not as it had been since asserted, the cause of high prices. He (Mr. Peel) was willing to admit, that at the time when the hon. member made his speech, the Bank of England had given some intimation of returning to cash payments. This induced him to revert to another point connected with the subject—namely, the decline in prices. He would admit, that great distress was occasioned by that decline, but he did not believe that one tenth of that distress could be fairly attributed to the resumption of cash payments. While he was on this point, he begged to say one or two words to rescue the memory of the late Mr. Ricardo from an imputation which had been unjustly cast upon it. Mr. Ricardo was stated to have said, that the difference between the prices before and after the resumption of cash payments was only from three to four per cent. Now, Mr. Ricardo said no such thing. What he did say was—that the great difference between prices before and after the resumption of cash payments was a difference—he (Mr. Peel) did not know at what amount Mr. Ricardo stated it—not referable to the change of currency, but referable to the change from war to peace; but he said that the amount of reduction of price in consequence of a return from paper to gold was not more than from three to four per cent. Now, when he (Mr. Peel) admitted that a great change took place in prices after the resumption of cash payments, he must look to other causes for that change. Let him refer to the war, which was of thirty years' duration, and let him look at the prices to which all articles were raised during that war, and he would ask whether it would be possible, under any system of currency, to have kept up these prices in time of peace. To the return, therefore, from war to peace must be attributed the difference of prices, and not to any change in the currency. Now, going to the period of the French war, which he would not stop then to defend, he would only say, that in his opinion—and he agreed with an hon. baronet who said it was a war for the support of existing institutions—that it had tended to promote the (he hoped) permanent settlement of Europe. Now, if he divided that war into two periods of fourteen years, in the first of these, the expenditure of the country exceeded its revenue by £189,000,000. In the second period, the excess of expenditure above revenue was £236,000,000, making an excess in the two periods of £425,000,000. After such an extraordinary expenditure as that, could it be expected, he would ask, that the country should resume its ordinary condition without great depression, and whether the same high prices could be continued as in war? It was with a nation as with an individual: if he had, for some cause, whether necessary for his credit or not, made a large anticipation of his income, he could not return to his former condition without great weakness being apparent in his resources. Another cause of this great difference in prices was, that by the system which Napoleon obliged us to adopt with respect to our colonies, we became possessed of the monopoly of the trade of Europe, and of course that monopoly raised the price of every article here, and of the value of the labour expended in its production. That system was now at an end, and of course the high prices ended with it. It had been repeatedly said, that the transition from a state of war to one of peace ought to have been over before this; but no mistake could be greater than that under which those persons laboured who entertained such an opinion. They should have recollected that it was not possible for countries on the continent of Europe to enter all at once into a competition with England, the seeds of manufacturing industry were so completely blighted every where amongst them by the long continuance of hostilities. In fact, immediately after the cessation of the war, our manufactures received an impetus rather than a depression; but gradually, as continental industry

resumed its tone, we were driven to the necessity of struggling to maintain that pre-eminence which we had before uninterruptedly enjoyed. And who could now shut his eyes to the conviction that we should be obliged and compelled to regulate our prices by theirs, if peace continued, and capital increased in the hands of our competitors, and machinery should be introduced among them, which we, even if that were desirable, had it not in our power to prevent? We should be obliged, he repeated, to regulate our prices by existing circumstances, altered as they were to our prejudice, and to abandon those which we could exact in the days of our monopoly during the war. Was it fair, then, to load the authors of the Bill of 1819—he could not say with calumnies, because no personal charges had been made against him, but—with accusations of being the causes of evil which was referable to circumstances over which neither they, nor Parliament itself, could have any possible control? Even from the battle of Leipsic, from the first symptoms of the downfall of Napoleon's power, the real causes began to operate; nor were they long in operation before they exhibited their effects. It would be found, by a reference to dates, that the fall in the price of wheat, for example, was not coincident with changes in the circulation. On June 1st, 1812, for example, the price of wheat in the country was 164s. per quarter; on the 1st of July it had fallen to 141s.; on June 1st, 1813, it was 113s.; on the 1st of November, 1814, it was 76s.; and on July 1st, 1815, the quarter of wheat which in the same month in 1812, had fetched 140s., was sold for 53s. This depression was not produced by any alteration in the currency, for no alteration took place. It arose from general causes, which were then coming into operation, and the effects of which still continued. On those subjects which, he regretted to say, were but little understood, hon. members would derive much valuable information from a perusal of the many able works which had been published in order to put political men in possession of the facts and arguments necessary to a proper knowledge of what was allowed to be so important. But he more particularly alluded to the labours of Mr. Tooke, to whose abilities and information he was happy to have an opportunity of bearing testimony. No man felt sincerer or more cordial sympathy for the landed interest than he had always entertained. From political considerations alone he should deeply lament their permanent depression, as he thought it necessary to the welfare of the State, and the proper balance of society, that those who were possessed of incomes amounting to from £1,200 to £1,600 a-year should be upheld in their station, and it was at all times painful to his feelings to be a spectator of their depression or decline. After the re-toration of the peace, however, it was unreasonable to expect that they could maintain the old prices which had existed in times so different from the present. There was one cause of the distress now complained of by agriculturists, which was certainly beyond legislative control, and which, at the same time, appeared to him to be greatly underrated—he meant the improvement in steam navigation, and the mechanism of modern machinery, which certainly brought the bad land of this country into competition with the richest land of Ireland and Scotland, which imported agricultural produce into England with a facility of conveyance unprecedented hitherto. A steam-vessel was incessantly employed in transporting the produce of the most fertile districts in the west of Ireland to Liverpool, whence it was as rapidly transmitted to Manchester, where the cargoes were immediately disposed of. In short, the effect of this introduction of Irish produce on the agricultural resources of England was precisely similar to that occasioned in the West India islands, by the annexation of the rich land of Demerara to the British Crown. The causes which he had mentioned would continue to operate, maugre all our anxiety to remove them or to neutralize their necessary effects. He had taken leave of the Currency question, and did not intend again to resume it. The hon. member opposite, he perceived, shook his head on his saying this; but he hoped that he would not shake it again during the session, if the gesture were indicative of a resolution to bring the subject again under their consideration. In reply to those declaimers who had so vehemently condemned the bill of 1819, as ruinous to the country, he should not deal in counter-declaration, or answer their vague assertions and inconsequent conclusions by a similar mode of defence, but would rather confine himself to a few facts, which he submitted were quite sufficient to confute their misrepresentations. He had endeavoured to ascertain the bearing of this obnoxious measure in several of the large manufacturing

districts, by enquiries into the condition of the population now, as compared with what it was at the period of its introduction. In the town of Manchester a very animated controversy, the House was probably informed, was at present going forward, as to whether the inhabitants were distressed or not; some contending that they were, and some that they were not; nor was it probable that the contest would ever know an end until circumstances should decide the question by their indisputable authority. He should, then, pass over Manchester, and likewise Liverpool and Leeds, as there were others better entitled by local knowledge to speak as to the existing state of those places than he could pretend to be, but he would select the fairest example, where he could meet the hon. member on fair grounds, as he might himself be said to represent the district to which he alluded, and could contradict him in any statement he should advance if it were incorrect or erroneous. Birmingham was the part of England he would select; and he did so more particularly, as it was the nucleus of a certain political union, which had extended its ramifications elsewhere, originating in Birmingham, he presumed, on account of the pre-eminence of suffering among the inhabitants over their fellow sufferers in distress. Most willingly would he give the hon. member his choice of a test or criterion of prosperity, and by his own selection he should abide. His object was, to compare the circumstances of the inhabitants in 1818 with those under which they were so loudly complaining in 1830, in order to ascertain how far the bill of 1819 had operated as a cause of their depression. And first as to the population. In the year 1818, there were 18,000 premises, including warehouses, in Birmingham; whereas, in 1828, it contained no less than 22,000 inhabited houses, exclusive of warehouses. The hon. member's arguments went to prove that the alteration in the currency had depressed the value of property, but he was assured that there was, nevertheless, in Birmingham, a great increase in its value since the bill had been introduced. Three acres in the neighbourhood of the town had been purchased in 1827 for £600, which were since sold for £2,426; and ground rents, where forty years remained unexpired, were disposed of at 100 years' purchase. Land which had been sold in 1826 at £3,500, was bargained for in last November at £4,200. The number of licensed traders amounted in 1820 to only 198, but might be estimated in 1829 so high as 1,150. Then with respect to the consumption of the luxuries of life, there was an increase in exactly the same ratio. The four-wheeled carriages which were charged with assessed taxes in 1819 were only 38; in 1822 they were 44; in 1824 they reached 94; in 1826 they amounted to 106; and in 1828 to 157. The hon. member might say that four-wheeled carriages were the vehicles of the rich, he would descend therefore to those of the poor: the number of two-wheeled carriages in Birmingham in 1819 was 301; in 1822, 321; in 1823, 386; and in 1828 no less than 471; so that whether the House looked at the vehicles of the poor or those of the rich, the result was equally a proof that Birmingham had increased in prosperity since 1819. Horses which were charged assessed taxes in 1819 were in number 923; in 1822 they amounted to 971, but in 1823 and 1825, when the tax was taken off, there were no means of ascertaining the progressive increase. In 1828, however, they might amount to 977. The manufacturing activity, he thought, would be best estimated by the amount of tolls on the roads in the vicinity of Birmingham; and here also the same increase was manifest; for the tolls on the Holyhead, Stourbridge, and London roads had been let, in 1822, for £1,200 a year; but in 1829 they brought £1,767. The tolls on the Kidderminster-road, likewise, were let, in 1820, at £1,100 a year; whereas in 1828, they were raised to £1,655. The tolls on the Bromsgrove and Birmingham roads let in 1822, for £1,164; in 1824, for £1,556, and in 1828, for £1,722. A like increase took place in the item of canals. The custom on the Worcester and Birmingham canal, in 1821 and 1822, averaged at £100, and in 1828 and 1829, its relative prosperity was marked by the average of £165, making a difference of 65 per cent. The old Birmingham canal in 1821 and 1822, averaged at £93, and in 1828 and 1829 at £105. These facts, in his opinion, clearly established the conclusion, that the bill of 1819 had not been productive of that overwhelming distress which was described as the consequence of its operation. Touching the subject of that night's debate, which, after all, had no very considerable share in the discussion, he could not see what they were to do with the motion of the hon. member for Shaftesbury, who had proposed that the House

should resolve itself into a committee to consider of the causes of that general distress complained of in the petitions, and endeavour to devise a remedy for the same. On his asking the hon. member, at a quarter to six, what was the precise motion which he intended to bring forward, the hon. gentleman replied, that he was too old a soldier to give him any information upon the subject. The result, however, of a fortnight's deliberation, was a motion for a committee of the whole House, instead of a Select Committee, and he thought that the hon. member had judiciously preferred framing his motion as he had done. But the hon. baronet, the Member for Shoreham, had certainly not treated him well. He had not paid the originator of the first motion that deference and respect to which his zeal, assiduity, and long cogitation upon the subject had so deservedly entitled him. The motion of the Member for Shaftesbury he considered by much the better of the two. If such distress as was described did in reality exist, it was greatly preferable that an enquiry should be conducted by a committee of the whole House, where all members were on a fair equality, and where the public was thoroughly acquainted with their proceedings. But the hon. baronet proposed the appointment of a committee of twenty-one members, who were to sit and enquire by oral evidence into the extent and causes of the distress, and also to suggest a remedy. Was it possible (he put it to any dispassionate man) that such a committee, with such a subject before them, could present a satisfactory report during either this or the ensuing session? He hoped that the House would reject both motions, not because most of those who supported them would desire to have an alteration in the currency, but from a conviction, that if an enquiry of this nature were instituted, large classes in the country would immediately infer that a depreciation of the standard, or some measure affecting the currency, was contemplated. Certain indications of a return to prosperity were at present beginning to exhibit themselves, and he had received, no later than that very morning, letters from Manchester and Leeds, which induced him to believe that we had already reached the lowest point of depression. Hon. members had observed, that we were entitled at this peculiar season to witness a revival of our manufactures, if the distress were not entirely irretrievable, and he concurred with them in thinking that the breaking up of the severe and long-continued frost ought to produce such an effect as they anticipated. But he feared the disease less than the remedy. The hapless fate of a patient under the joint superintendence of three physicians was adverted to in the progress of the debate, and he should entertain similar fears for the nation, whether submitted to the doctoring of 658 of the faculty, as proposed by one gentleman, or to twenty-one as suggested by another. He did not like to trust the constitution of the country to either of those hon. members, with their bundle of prescriptions, which only excited in him an involuntary shudder when they were produced. In refusing to assent to both propositions now submitted for their adoption, they were not abandoning their duty, but acting consistently with the true interests of those whom it was intended to relieve, shunning an enquiry which would only cause fruitless anxiety and excitement, and awaken hopes that were doomed to disappointment ere they were formed.

After some farther discussion, the debate was again adjourned.

UNION WITH IRELAND.

MARCH 22, 1830.

Mr. O'Connell presented a Petition from certain inhabitants of Drogheda, praying for a Repeal of the Act of Union, through which, they alleged, that Ireland was suffering incalculable mischief.

Several members having briefly spoken on the subject, and Mr. Lockhart having moved, as an amendment, that the debate on the Petition be adjourned till Wednesday next,—

MR. SECRETARY PEEL confessed he did not feel much surprise at the doubts expressed by the hon. member for the City of Oxford (Mr. Lockhart), and the hon. member for Plympton (Sir C. Wetherell) respecting the propriety of receiving a petition in support of a project so mad and so absurd—so utterly destructive of the propriety of Ireland, and so much calculated to injure the integrity of the Empire—

as that of a repeal of the Act of Union. He repeated, he was not surprised at the opinions of these hon. members, but at the same time he doubted whether it would be proper to depart from the general Parliamentary rule, and refuse to receive the petition. He did not apprehend that the petition proposed a diminution of the Empire, or a separation of Ireland from the control and government vested in the sovereign of this country. Ireland was a portion of the British Empire; the King of England was also the King of Ireland before any Act of Union was thought of: and the petition, he supposed, merely prayed that the two countries should be placed with respect to each other in the same situation as they were before the Act of Union was passed. He doubted, therefore, whether they could, according to the forms of Parliament, reject the petition; but while he gave his vote for the reception of the petition, he could not find terms strong enough to express his reprobation of the prayer of that petition, or his sense of the renewal of attempts to disturb the minds of the ignorant portion of the people by a representation of advantages to result from the possession of a Parliament in Ireland. The sentiments of the people of both countries had been freely and fairly expressed in the formation of the Union between the two countries. That Union was finally consolidated by the repeal of all those disabilities under which the great portion of the inhabitants of that country laboured, in comparison with those of England; and he repeated, that he could not find terms to express the strong disgust and reprobation with which he viewed the attempts made to separate them. When all good men were congratulating themselves on the return of that tranquillity which they sought to promote, and which had followed the healing measure of last year, when all denominations of Irishmen were allowed free access to every department of the State; when advantages had been conferred on them, such as they never before possessed, it was too much that all the old feelings of discord were to be revived for the gratification of some individuals, by such injurious and incorrect assumptions as formed the basis of that petition. At the same time that he could not too strongly express his abhorrence of its prayer and its object, he saw no reason for refusing to receive the petition.

Later in the evening,—

Mr. Peel, in explanation, denied that he had ever contended against the right of the people to express their opinions on that or any other subject. On the contrary, he had contended for that right. But while he had admitted the right, he had also declared that he could not find language strong enough to express his reprobation of the doctrines which the petitioners maintained. With respect to what the hon. and learned gentleman had said of the separate legislatures of Jamaica, Halifax, and Canada, it must be remembered that, although they had separate legislatures, they were still parts of the United Kingdom. He wished to ask the hon. and learned member for Clare, if he knew any thing of the names that were affixed to the petition? They appeared to have been signed in a moment of conviviality rather than at a serious meeting of freeholders. For instance, there was the name of "Paddy Bray," followed by that of "Billy Powder Bray."

Mr. O'Connell said, that those were the names of two of the registered freeholders of the town in which the meeting was held.

Mr. Lockhart, yielding to what appeared to be the general feeling of the House, withdrew his amendment.

The Petition was ordered to be laid on the table.

LAW REFORM.

MARCH 22, 1830.

MR. SECRETARY PEEL presented a message from his Majesty, which was read by the Speaker. It was to the following effect:—"His Majesty having taken into consideration the report made to his Majesty by the Commissioners appointed by his majesty to enquire into the practice and course of proceedings in the superior courts of Common Law, is desirous with a view to improve and expedite the administration of justice in England and Wales, to be enabled to add to the number of Judges in the superior courts; and his majesty relies on the liberality of the House of Commons

to make such pecuniary allowance to the additional judges as may be suited to the dignity of the judicial station and the duties attached to it."

On the motion of Mr. Peel, an Address was ordered to be presented to his Majesty, thanking him for his most gracious Message, and assuring him that that House would take it into their most serious consideration.

NAVY ESTIMATES.

MARCH 22, 1830.

On Sir George Clerk's motion in committee, "That £32,033, 1s. 6d. for the salaries of Officers and contingent expenses of the Navy Pay Office for the current year be granted to his Majesty,—

Mr. Vernon Smith moved an amendment, to the effect that a reduction of £1,200 be made in the salary of Treasurer of the Navy.

Several members having taken different views with reference to the two offices of Paymaster and Treasurer of the Navy,—

MR. SECRETARY PEEL observed, that out of the five speeches that had been made against the item, four of them contained different and distinct propositions as to the two offices. This was of itself sufficient to prove that it was a matter of extreme difficulty for his Majesty's Ministers to bring forward a proposition with respect to this situation that was at all likely to produce unanimity. He denied that there was any difference in the language held by ministers on the present, and on the former occasion. They asserted that there would be an immediate saving of £1,000 a year, and that eventually the saving would amount to £2,200 per annum, and they said so still. Their object was, to continue the office of paymaster, until some provision might be made by the falling in of a situation connected with the patronage of the Crown, for the person who now holds it, instead of saddling the country with a pension. He thought it would be very unjust to remove a distinguished naval officer from the situation, without granting him an adequate provision. The estimates had been for some time in the hands of the members, and therefore it could not fairly be urged that the House was not aware that the vote was to be proposed. Neither was it just to insinuate that the government were taking this step for the purpose of keeping up its patronage; because in this case, they were providing for an individual whose brother, his right hon. friend the member for Liverpool, had voted against them on this very question, the object of which vote, had it been successful, would have been to have turned the ministers out of office. They therefore might be wrong in judgment, but was it possible to say that they were acting from any corrupt motive? He would give the House this assurance—that the office of the Paymaster of the Navy should never again appear in an estimate. They had never contemplated its appearance there; but when the motion was made the other night, he did expect that parliament would make the provision for one year. If within two months an opportunity of a vacancy should occur, the government would take advantage of it, and in preference to any political claim, would give the appointment to this officer. But it was possible that no such vacancy would occur, and he therefore trusted that the House would not compel them to turn this individual out of office without any provision whatever.

In reply to Mr. Hume,—

Mr. Peel lamented that his argument had not penetrated the understanding of the hon. member, who must be extremely pugnacious if he were disposed to quarrel with the very modest proposal of ministers. The experiment he wished to try was, whether the office of deputy could not be abolished—the principal being required to discharge the duties. If it should turn out that the experiment failed, he would undertake that, in the estimates of next year, only £2,000 should be taken for the salary.

On a division, the original motion was agreed to, by 155 against 69; majority, 86.

DISTRESS OF THE COUNTRY.

MARCH 23, 1830.

In the adjourned debate on this subject,—

MR. SECRETARY PEEL, rising after Sir Francis Burdett, said, he wished to notice a most extravagant misconception of the hon. baronet opposite. The hon. baronet had charged him with having said, that it was a part of his policy to depress the landed interest. Every one who had heard him, except the hon. baronet, must know that he had said nothing of the kind. His statement was, that during the war a great portion of inferior land had been brought into cultivation in this country, and that now, by the application of steam to navigation, and by the circumstance of the good land of Ireland and Scotland being better cultivated, the produce of the inferior land of this country was likely to be injured in the market. He had stated this as a fact; and he had added, that whatever might be the benefit to the country, he could not but view the consequences with the utmost pain, so far as they affected those individuals who would suffer from them. The hon. baronet had entirely mistaken him in supposing that he had stated it as part of his settled policy to depress the landed interest.

Mr. Davenport, in reply, expressed his intention to withdraw his original motion in favour of the amendment, which, on the first night of the debate had been moved by Sir C. Burrell, and seconded by Mr. Alderman Waithman, "That a Select Committee be appointed to enquire into the cause of the present distress, and into the remedies for that distress."

The Speaker informed the hon. gentleman, that if the original motion were withdrawn, there would remain no question before the House, as an amendment upon a motion which was withdrawn could not be put.

Mr. Peel suggested, that they should divide upon the amendment, with the understanding that that division was to decide the whole question. The original motion was accordingly negatived without a division.

On the amendment the House divided, when the numbers appeared—for the amendment 87, against it 255; majority against the amendment 168.

INJUDICIOUS TAXATION.

MARCH 25, 1830.

Mr. Poulett Thompson, at the close of a very long speech on the subject of taxation, moved, "That a Select Committee be appointed to enquire into the expediency of making a revision of the taxes, so that the means of paying the sums voted by the House, and all other charges for the public service, may be provided for with as little injury as practicable to the industry and improvement of the country."

Colonel Davies seconded the motion.

In the course of the debate which ensued,—

MR. SECRETARY PEEL said, that at that late hour he should address himself to the considerations of paramount importance arising out of the question before the House, and thereby should disembarass himself of the details into which the hon. member for Dover had entered. The proposal was,—a proposal made for the first time in Parliament,—that a Select Committee should be appointed for revising and considering the whole system of the taxation of the country. It was something wonderful that it had never occurred before, that the whole power of the government and of the parliament should be thus delegated to a select committee of twenty-one. It was a practice founded on good sense, that the House should reserve to itself the power which the hon. member wished to devolve on a select committee; that the House, possessing ample information upon all the necessary points, should not transfer to any delegated portion of it those powers which a House of Commons ought to exercise of itself. And let it be recollected that the House of Commons had fought the battles of taxation against ministers upon former occasions without committees. Even in the time of Sir Robert Walpole the Excise tax was rejected

by the House without any enquiry in a committee. The Shop-tax, proposed by Mr. Pitt, had been defeated without any committee. In 1807, Lord Henry Petty proposed a duty on iron, which had been defeated in that House. In 1817 the House had defeated the intention of the government to continue the property-tax; and with respect to this tax, he would advise the House, whether a property-tax were desirable or not, to start fair on the question, and not have it decided in a select committee. He would give no opinion on the expediency of a property-tax; but he advised gentlemen in that House, and those of the landed interest especially, to reserve this question to themselves, or at least to throw the responsibility of proposing it upon the government, and not permit it to screen and shelter itself from responsibility under a select committee. Almost all those who had advocated the appointment of the committee had contemplated a property-tax as a necessary consequence of it. The hon. member for Dover, indeed, did not (to use a homely phrase) let the cat out of the bag; but he suffered a little kitten to escape, which showed pretty well what the cat would be. He proposed a legacy duty on real property, which, he said, would add £1,500,000 to our present revenue. If there were any Irish members present, he would beg to advertise them that Ireland had been exempted from the property-tax; and supposing that there should be a fair proportion of Irish members in the committee of twenty-one, Irish members would perform their duty to their constituents by rejecting the proposal of a property-tax, leaving such a proposal to the government. He (Mr. Peel) could not conceive how a Parliamentary committee could discharge the duties which the hon. member proposed to impose upon it. Was the committee to make a report recommending a remission of taxes in the present session or in a future session? If in the present session, the consequence of that would be, that there would be a second budget, founded, not on the opinions of his Majesty's government, but of the select committee. Hitherto it had been considered that proposals for the imposition of taxes belonged to the Crown, and that it was an encroachment on the privileges of his Majesty's ministers to interfere in that province. Besides, the committee would not be a committee of secrecy, and every member could divulge what took place there. Witnesses would be shrewd enough to perceive the bias of the committee; the effects which the enquiry would have on trade would be serious; every one connected with trade would be pressing forward to be examined in order to serve his own purposes. The members of this committee of twenty-one would be, in fact, the most powerful men in the House, and their power would *pro tanto* diminish that of every other member. If the House adopted the motion of the hon. member, it would be abandoning to twenty-one of its members some of its most important functions. On every ground, therefore, he objected to this delegation of functions properly its own; and although the hon. member for Dover disavowed any hostility to government by his motion, he must put it to the sense of the House whether his Majesty's ministers would not be degraded by its being carried. The Chancellor of the Exchequer would be virtually superseded; for, whilst he sat in Downing-street, with powers which were intrusted to him for the public good, much diminished, and with a broken staff of office, a Chancellor of the Exchequer, backed by a select committee, would be exercising his functions within the purlieu of that House. If the intention of the vote were to show a distrust of his Majesty's government, it should be expressed in a manner less prejudicial to the public interests. The ministers of the government should be upheld in the exercise of their just influence and power: it was no longer a government when, although in possession of place, it was discredited in the estimation of the public. He would ten times rather support the pretensions of the hon. member for Dover to fill the situation of Chancellor of the Exchequer, appointed by the Crown, than consent to remain in office a nominal servant of the Crown, but merely registering the edicts of a select committee.

On a division, the motion was negatived by 167 against 78; majority, 89.

PENSIONS FOR THE HON. R. DUNDAS AND THE
HON. W. L. BATHURST.

MARCH 26, 1830.

On the proposed vote for £174,584, 9s. 4d. to defray the superannuations granted to Commissioners, Clerks, &c., formerly employed in the civil departments of the Navy, Sir R. Heron moved, that the proposed grant be reduced, by deducting from it the sum of £900.

Towards the close of the brief debate which ensued, Colonel Dundas expressed himself aggrieved by certain personalities in which, he conceived, the hon. baronet had unnecessarily thought proper to indulge, with reference to the Dundas family.

[Sir R. Heron and Mr. Peel rose together, but the latter gave way.]

Sir R. Heron, in explanation, begged to say, that when he called the late Lord Melville a sort of Viceroy of Scotland, he alluded to an office and to duties which no longer existed. As to the expression "equivocal services," he could assure the hon. member, that he had no intention of hinting at the circumstance to which the hon. member had alluded. Indeed, that circumstance never once entered his mind. But his meaning was, that the late Lord Melville belonged to a particular party, and his services, however approved by that party, were equivocal to the rest of the nation.

MR. SECRETARY PEEL said, he was glad he had given way to the hon. baronet, whose explanation, he was sure, must be satisfactory to the hon. gentleman, who had expressed himself on the subject with a degree of warmth that the circumstances undoubtedly justified. The hon. member for Westminster was mistaken in supposing that he disapproved of the proposition; but he could assure that hon. member, that he was not insensible to the value of that independent support which, the hon. member truly said, the present government had received. Most sorry should he be to lose such support; and never, to the latest day of his existence, could he forget the conduct pursued by the gentlemen on the other side of the House on the great measure of last session. The manner in which the gentlemen opposite gave their support to the government at that time could never be forgotten by him; and he thought that the conduct pursued by those gentlemen on that occasion reflected the highest credit on the political parties of this country. With respect to the present proposition, he agreed with the hon. member who spoke last as to the nature of it. It was only a proposition made by the government, which the House would reject or allow as it thought fit. It was a mere estimate, which, if the House thought improper, it would be its duty to reject. He begged of hon. members, however, to consider what the real nature of the proposition was, before they came to a decision upon it. It was a proposition which arose out of a revision of the establishments of the country which the government had thought it their duty to make. The course which had been pursued in this case by his Majesty's ministers had been to take away the youngest officers, and instead of a salary of £1,000 to give them £450, until some other employment offered for them. But the main question was the intention of his Majesty's ministers in the measure, and he would read to the committee the official correspondence which had taken place respecting it. The right hon. gentleman here read the following letters:—

"ADMIRALTY OFFICE, *March 20th*, 1829.

"SIR—I am commanded by my Lords Commissioners of the Admiralty to acquaint you that their lordships have given directions for praying new patents for the Navy and Victualling Boards, the effect of which will be the immediate reduction of two members of the former, and one of the latter boards, and the further reduction of a third member of the Navy Board, on the death, removal, or resignation, of Mr. Tucker or Sir Robert Seppings, the present joint-surveyors of the navy. The two commissioners of the navy who are reduced are Captain J. M. Lewis and the Hon. Robert Dundas, the former of whom will be appointed to Sheerness and Chatham Yards, in the room of commissioner Cunningham, who retires; and the reduced commissioner of the Victualling Board is the Hon. W. L. Bathurst.

"My lords command me to request you will state this arrangement to the lords of his Majesty's treasury, and inform me whether their lordships are of opinion that

any retired allowance, and to what amount, should be granted to Mr. Dundas and Mr. Bathurst on the abolition of their offices, which have usually been deemed hitherto as held during life or good behaviour. Mr. Dundas has held the office four years, having been one year previously attached to the British embassy at Madrid and Lisbon; and Mr. Bathurst has held his situation nearly four years.

"Their lordships think it right to add, for the information of the lords of the treasury, that Mr. Dundas is eligible to two of the reserved commissionerships of the Navy; but that as all the members of the Victualling Board, except the chairman, are professional, Mr. Bathurst would not be eligible to any seat at the board, unless as chairman.

"I am, &c.

(Signed) "JOHN BARROW.

"The Hon. J. Stewart, Treasury."

"TREASURY CHAMBERS, April 30th, 1829.

"SIR—Having laid before the lords commissioners of his Majesty's treasury your letter of the 20th ult., respecting the amount of superannuation allowance to be granted to Mr. Dundas and Mr. Bathurst, on their removal from the Navy and Victualling boards; in consequence of the reduction in the numbers of the commissioners of those respective boards, I am commanded by my lords to acquaint you, for the information of the lords of the admiralty, that they observe with satisfaction that their lordships have made an arrangement for employing in another situation Captain F. M. Lewis, one of the reduced commissioners of the Navy, and have thus superseded the necessity of raising any question as to any provision for him. And my lords have no doubt that the lords of the admiralty will be equally anxious to adopt a similar course with respect to Mr. Dundas and Mr. Bathurst; and my lords, therefore, consider that any allowance to be made to them is purely of a temporary nature, to continue only during the period which may elapse before they can be again employed in some civil situation connected with the civil departments of the Navy. My lords, therefore, see no objection to assigning to them a temporary allowance of one-half of their respective salaries from the period when they ceased, being the proportion allowed to other officers reduced on abolition of their respective offices, under the minute of this board of February 2nd, 1825, it being distinctly understood, that Mr. Dundas and Mr. Bathurst are to succeed to the first situations which may be at the disposal of the lords commissioners of the admiralty, for which they may be qualified.

"I am, &c.

(Signed) "J. STEWART."

These letters showed, the right hon. gentleman went on to observe, that these allowances were in conformity to the rule of former governments—they were not the result of any special rule of the existing government, nor any job. The rule might be wrong, but it was established long before. It did not originate with his noble friend the Duke of Wellington and his right hon. friend the Chancellor of the Exchequer, but it was established when Lord Liverpool and Lord Goderich were in office. The treasury minute of February 2nd, 1825, referred to in the letter he had read, related to the Board of Customs; and the rule it laid down was, that the lords of the treasury would grant to those officers who had not served ten years, one half of their official salaries. The general rule was the material point of the question; and it was a positive hardship on the sons of cabinet ministers, that they only should be liable to animadversion when they are treated according to this rule. The committee would allow he had not attempted to bias its opinion by any appeal to the passions; but he must say, that considering the difficulties attending the making reductions, it was not quite right to embarrass the government when it attempted to effect them. He hoped he had said enough to convince the House that his Majesty's ministers had not been influenced by any corrupt motive in this transaction.

The question being loudly called for; the committee divided, when there appeared—for the amendment, 139; against it, 121; majority against ministers, 18.

ORDNANCE ESTIMATES.

MARCH 29, 1830.

On Mr. S. Perceval's motion for referring the Ordnance Estimates to the Committee of Supply, Sir J. Graham moved, as an Amendment, that the proposed vote for £85,025 be reduced to £83,825, to strike off the salary of the office of Lieutenant-general of the Ordnance.

In the debate which followed,—

MR. SECRETARY PEEL said, no man was more disposed than he was to give full credit to the hon. baronet who moved the amendment, for the most perfect sincerity, yet he was sure, that the hon. baronet would not desire to be exempt from that ordinary rule of debate, by which all that was said by one party was not taken for granted by their opponent, but submitted to that close examination, which was necessary to the investigation of truth. The hon. baronet had proved himself a most skilful advocate, for with all his professions of sincerity he had contrived to press into his speech every argument, connected or unconnected with the subject, which might produce an impression unfavourable to the government—the influence of the Crown in that House; and the opinions of Lord Beresford in Portugal; the condition of the Portuguese confined in Terceira; and lastly, Ajax himself! All this might be very well by way of ornament, but did not seem to have much connection with the object which the hon. baronet professed to have in view,—namely, to prove that the office of Lieutenant-general of the Ordnance was an unnecessary one. The hon. baronet first attempted to throw on government the blame of treating with marked disrespect all committees, and particularly the Finance Committee, and called upon the House to support that last-mentioned committee. Now, what were the facts of the case? The Finance Committee made four very able reports, containing several suggestions as to the most proper mode of carrying on the public service, and, with the single exception of the office of Lieutenant-general of the Ordnance, the recommendations of that Finance Committee had been acted upon, or attempted to be carried into effect, by the government. If the House recollected, the first report of the Finance Committee referred to the mode in which annuities were granted, and pointed out how a saving might be effected by an alteration of the system. That suggestion was immediately assented to by the government, and carried into effect by the bill which was brought in by his right hon. friend, the Chancellor of the Exchequer. The second report referred to the Ordnance, which for the present he would not notice. The third report recommended an alteration in the mode of granting superannuation allowances; and, if that recommendation were not carried into effect, it was certainly not owing to any fault of the government. His right hon. friend proposed a measure to carry into effect that recommendation, but he did not meet with that support from the House which he felt himself entitled to expect. The fourth report of the Finance Committee reviewed the general financial system of the country, and among its recommendations was the abolition of a nominal and delusive sinking fund. That recommendation was carried into effect, and a bill was brought in to appoint a surplus revenue for the purpose of forming a sinking fund. The second report of the committee referred, as he had said, to the Ordnance department, and every one of its recommendations relating to the reduction of the salaries of the officers had been attended to. The government could not, therefore, be charged with treating with disrespect the recommendations of that committee. They had given practical proofs of their desire to carry into effect the improvements suggested by the Finance Committee. But how was it the duty of public servants to act? If a man in the situation of the Duke of Wellington were conscientiously convinced that it was for the interest of the State that a certain office should be maintained, was it his duty to act contrary to his conviction, and propose to the House to adopt the recommendation of the Committee of Finance, or appeal to the House from the report of the Committee, and give effect to that, which in his conscience he believed would tend to promote the interests of the public service? If a Minister of the Crown, whom the Constitution made responsible for his conduct, were not to act on the well-considered deliberation of his own mind,—if the Duke of Wellington, responsible as

he must be for the efficiency of every branch of the military service, but above all of that particular branch over which he presided for so many years, was not at liberty.—nay, if it were not his sacred duty to appeal to that House (for that was all he claimed a right to do) in support of what he believed to be most advantageous to the public service,—the responsibility and the duty of ministers became a perfect mockery. The noble lord had said, that the Committee of Finance had a right to reject the opinion of the Duke of Wellington. He admitted that they had, and he hoped at the same time the noble lord would concede to ministers the right of differing from the committee, and of submitting to Parliament what they conceived to be best for the public service. And who were the individuals who entertained the opinion that the continuance of the office in dispute would tend to promote the public service? They were those who had followed up the example set by their predecessors, and who, having filled the office of Master-general, had been constantly occupied in endeavours to reduce the expenditure of the establishment. None had laboured with more zeal and greater success in this way than the Duke of Wellington, who, during the period when he was Master-general, was so far from manifesting a disposition to encourage superfluous expense, that the Ordnance Estimates had been reduced in amount by £1,000,000; and there never was a case in which so much perhaps even necessary establishment had been reduced, and so much patronage lost to the government. Much had been said with respect to the discontinuance of the Finance Committee, but he was sure that many of those gentlemen who regretted its non-existence were aware that government was more able to examine thoroughly into the different departments of the State, and propose reduction. Indeed, a Finance Committee, in consequence of its being unable to examine into details, might become an authority to government for expenditure rather than reduction. Among the recommendations of the Finance Committee was one, that enquiry should be prosecuted by the government, as it could do more than any Finance Committee. Had the government disregarded that recommendation? On the contrary, it had shown every respect to the Committee of Finance, and since it had closed its labours, great reductions had been made in the civil establishment of the Ordnance, as advised by the Committee. By the labour of officers in that department reductions had been effected to the extent of £27,800. Further reductions to the amount of £4,500 were in contemplation, and would be carried into effect before the next Estimates were brought forward. Having stated these facts, he was relieved from the necessity of saying any thing further on the charge which had been brought against the government, of treating the Finance Committee with disrespect. The committee had not been continued, in order that government might examine into every department of the State. It was not therefore from any desire on the part of the government to shrink from enquiry, but from a desire to undertake enquiry, that the committee was not reappointed. The hon. gentleman had said that there was some inconsistency in his (Mr. Peel's) declining to adopt the recommendation of the Finance Committee with respect to the office of lieutenant-general, when he showed himself so strict an advocate for the opinion of a committee respecting the Treasurership of the Navy. But this hon. gentleman must see that his argument partook of a fallacy. The hon. baronet proposed a vote of condemnation against the government for retaining the office of Treasurer of the Navy with a salary of £2,000 a year. That proposition he had met with the argument that it was not fair to visit the government with a vote of condemnation, when it adopted the recommendation of a Finance Committee, which was the best guide by which it could learn what was the opinion of the House. By adopting that recommendation of the committee, he showed no inconsistency between the course he was now pursuing and that which he pursued on a former occasion. Since the discussion in 1823, the House had not adverted to the saving of expenditure effected in the Ordnance department, and the additional duties imposed. Since that period the Comptroller of the Barracks, with a salary of £1,500, had been abolished, and by the duties which had been transferred to the Ordnance department, a saving of £4,680 had been effected. All these alterations had added to the duties of the lieutenant-general, which were various. They related to the recruiting department, to the examination of cadets and other subjects. The hon. baronet had said, that in the present distressed state of the country, the lieutenant-general, being

a useless officer, ought to be dismissed. If he were a useless officer, he ought to be dismissed at any time, whether the country were distressed or not; but if by dismissing him the efficiency of the service would be impaired, the government would not be justified in abolishing the office in order to court popularity in a time of distress. The question for the House to consider was, whether or not the office were a proper one. But the hon. baronet inferred, that government defended the present vote on the ground of preserving the influence of the Crown in that House, and had accused him of casting a longing eye to the times of Sir Robert Walpole and Mr. Pelham, when 270 servants of the government filled the benches of that House. The hon. baronet had accused him of having expressed an opinion in favour of a return to those good old times, but he had only referred to them to show what was the state of the influence of the Crown in the House at that time. The hon. baronet said, this office was maintained for the purpose of increasing the influence of the Crown. In enumerating the illustrious names of those who had filled the calumniated office of lieutenant-general of the Ordnance, he appealed to the House to decide, whether those appointments were more likely to have been the result of a desire to court the favour of Parliamentary influence, or from a desire to enlist in the military service during times of peace those officers who had rendered themselves most conspicuous by their exertions and character during war. When the office became vacant in 1822, the first offer of it was made to Lord Hopetoun. The situation would be accompanied, as his lordship was told, with incessant labour, and almost perpetual residence in London. On these grounds Lord Hopetoun refused the situation. The next officer to whom it was offered on the same conditions, and by whom it was on the same grounds refused, was Lord Hill. The third offer was made to Lord Beresford, and accepted. On its resignation by that noble lord, it was filled for a short time by his right hon. friend, Sir George Murray, whose exertions in war, and whose glorious campaigns had so greatly distinguished him. When the office was resigned by him, it was offered to Sir W. Clinton; on Sir William Clinton's quitting the office [hear hear!]¹—he was surprised at the sneer which had followed his mentioning the retirement of Sir William Clinton—he was surprised at its coming from the part of the House which it came from, and from which he should least of all have expected any condemnation of the determination of government to be unanimous on the question to which that retirement referred—he had thought the House had heard enough of imputation on Mr. Pitt in former times, with reference to the Slave-trade, and on other governments engaged in important measures, for allowing themselves to be defeated by the votes of persons connected with them in office. Of this he was sure, that if government had been defeated in their proposition last year by the votes of persons holding office under them, he should have received from the hon. baronet a lesson on the subject in terms of no very mild a nature. But to return to the point from which his attention had been for a moment diverted: it had been said that this office was filled by men of great family and much parliamentary influence; but he thought it was rather a subject of congratulation that the best blood of England should have been shed in those fields of glory where its honour had been so bravely asserted; and if such men had so distinguished themselves, was the fact of their connexion with high and noble families to deprive them of their well-earned reward? Miserable, indeed, would be the fate of those hon. and gallant officers, if, after all their great services, his noble friend at the head of the government were to say to such men as Lord Hopetoun, Lord Hill, Lord Somerset, and those others of his gallant companions in arms,—“ ’Tis true you have distinguished yourself by most heroic efforts in the service of your country,—’tis true you have, in times of peril, appeared as the intrepid assertors of her honour,—’tis true you are entitled to reward, and are eminently qualified to be placed in a situation where your country may derive still farther benefit by your military skill,—but it is also true, that you are descended from great families, connected with much parliamentary influence, and I must not recommend you to an office of which you are every way so worthy, lest I should incur a sneer at having made the recommendation with a view to that influence.” Such language would be unworthy of his noble friend, and unworthy of the country in whose service he and his gallant companions so honourably distinguished themselves. In conclusion, the right hon. gentleman expressed a hope that the vote of that night would not have the effect of declaring that this

office was kept, not as a reward for military merit, and he had not put it on that ground, but was retained for the purpose of the influence which might be gained by a single vote.

On a division, the numbers were, for the amendment, 124; against it, 200; majority, in favour of ministers, 76.

TRIAL BY JURY IN SCOTLAND.

APRIL 1, 1830.

The Lord Advocate closed a speech of considerable length, by moving for leave to bring in "A Bill for uniting the benefits of Jury Trial in civil causes with the ordinary Jurisdiction of the Court of Session, and for making certain other alterations and reductions in the Judicial Establishments of Scotland."

In the consequent debate,—MR. SECRETARY PEEL, rising after Mr. Hume, said he was happy to find the system so good, that the hon. member could find out nothing else to blame but that the Judges of Scotland mixed with other classes of society, and engaged in some other business. Among the employments to which the learned member objected was the being appointed on the commission to enquire into Academical Instruction; and he stated as an aggravated offence that they were the presidents of charitable Institutions, and the managers of Infirmaries. All the fault he could find with them was, that they mixed with their fellow-citizens. The hon. gentleman said, that English Judges did not do such things; but he had sent for the Red Book, and on opening it at the Lying-in-Hospital, he found that Mr. Justice Park and Mr. Justice Gazelee were Vice-Presidents [*honorary*, said Mr. Hume]. He found that among the six Vice-Presidents of the Foundling Hospital, there were Lord Tenterden, Mr. Justice Gazelee, and Sir John Nicholl.

Mr. Hume said, he could show that they went farther; some of them might be found amongst the members of Select Vestries.

Mr. Peel resumed; the hon. gentleman charged the Scotch Judges with addicting themselves to secular employments, and instituted comparisons between them and the English Judges, unfavourable to the former, and then he sought to aggravate the charge by saying that the English Judges went a length the Scotch Judges had never been known to go. If that were really and seriously brought as a charge, and sustained in the manner which he had just described, he must be allowed to say that his experience afforded but few parallels to such a mode of parliamentary discussion. It was indeed new to him to hear it brought as matter of accusation against judicial persons, that they were found mixing in deeds of charity with their fellow-citizens at large. The case of the English Judges, to which he had adverted, was certainly such as lay open to no reasonable objection; and he was quite satisfied that the hon. member for Westminster, who sat opposite, could bear testimony to the benefits which their interference conferred upon the charities with which they were connected. It happened that in Scotland some of them had been appointed Commissioners for the purpose of enquiring into the state of Academical Education, and he should gladly learn what there was in the judicial office to unfit them for such a situation; and he might be allowed to add, that they deserved great credit for the willingness with which they undertook those duties, and the efficiency with which they discharged them. As to the immediate object of the present motion, he should reserve to himself the right of addressing the House on it at some future occasion—possibly when it came to be discussed in the committee. As he had a motion of his own to bring on that night, he might be excused from then saying more.

Leave was given to bring in the bill.

LAW OF FORGERY.

APRIL 1, 1830.

MR. SECRETARY PEEL said he was not disposed at that hour to persevere in the motion with respect to the Law of Forgery, of which he had given notice, but that he felt it absolutely necessary to do so in order to the successful introduction of any legislative measure which might have the chance of passing into a law during the present session. In the course of the prosecution of the task he had undertaken,—namely, the Revision and Amendment of the Criminal Law—the crime of forgery had appeared to him to occupy a most important station in the list of offences, and to it he was now anxious to direct the attention of the legislature. Before he stated the object he had in view in the amendment of the laws respecting forgery, he hoped the House would permit him to present them with a slight view of the existing laws on that subject, and the way in which they arrived at their present extent. Originally there was no statute law relating to forgery. Up to the time of queen Elizabeth the punishments for forgery were inflicted under the common law; and it was not until the fifth year of the reign of that queen that a statute was passed inflicting a penalty on the offence of forging documents relating to real property. That penalty, however, did not extend to the punishment of death. The statute authorised imprisonment for life, the pillory, branding and loss of ears, according to the nature of the offence. It was not, indeed, until the reign of king William that any statute imposed the punishment of death. At that time the Bank of England was established, and the punishment of death was awarded to those who forged the negotiable securities of that establishment, but in all other respects the punishments for forgery remained the same from the time of queen Elizabeth until the reign of George II. In the year 1728, however, in that reign, a very material addition was made to the list of offences punishable as forgeries—the issuing of forged promissory notes and bills of exchange being made a capital offence. He believed there could be very little doubt that the extreme rigour adopted at this particular time on the subject of forgery, was owing to the alarms created by the very extensive and somewhat extraordinary forgeries of an individual, a full account of whose depredations would be found in the State Trials of that period. It appeared that this person, whose name was Hale, committed a number of forgeries on a Member of that House, named Gibson. One bill was for £1,600, another for £400, another for £700, and one for £6,500. At that time it was the practice of a Member, in franking a letter, to write his name with the word “free” in the corner, leaving the superscription to be filled up in the writing of the person sending the letter. Hale, it appeared, procured a number of these franks, and having changed the words “free” into “for R. Gibson,” and then filled up the blank at pleasure, he was thus able to commit the forgery with ease. He had little doubt that the indignation and alarm produced by this forgery were the principal causes of the enactment of the laws to which he alluded; but in consequence of the extension of trade, the statutes on the subject of forgery were subsequently increased to a great extent, each department bringing in, with very little consideration, an Act to punish the forgeries applicable to their own business. To such a magnitude had this evil arisen at the time Mr. Justice Blackstone wrote his Commentaries, that he observes, with respect to the Law of Forgery—“In addition to the number of general and special commissions, there was not a forgery which could be practised on a real or a fictitious person, for which a law did not exist which made the crime a capital offence.” He believed, indeed, that the whole number of statutes on the subject amounted to 120. These statutes might be divided properly into two classes. Those relating to public and general affairs, and those relating to official and departmental. In the first class might be comprised all documents relating to the public funds and to negotiable securities—to bills of exchange and promissory notes, and all documents connected with the transfer of property—all papers relating to marriage settlements and testamentary bequests, and registers in public offices. Under the second head, the official and departmental, might be included all documents connected with the Navy and the Army, the Customs, the Excise, the Post-office, and Greenwich or Chelsea Hospitals—every Act relating to which contained some enactments on the subject of

forgery. In attempting, then, to consider what course was to be pursued, he felt there were not many difficulties to be overcome with reference to the general and public securities which were transferable and negotiable, but that there were very great difficulties in the way when they came to deal with the official and departmental. To take, for instance, of the latter class, the Act relating to the land-tax. In that Act there were 200 separate clauses, although only one of them related to forgery, but then that clause, the 194th section, overruled and referred to the whole of the other clauses, and expressly declared, that the penalty affixed to the crime of forgery attached to forging the documents referred to in the preceding clauses. In the same manner the Navy Pay Act contained twenty clauses, and the clause relating to the forgeries of orders for pensions and other documents referred to all the clauses contained in the Act. If, therefore, he merely took out the forgery clause and did not alter the whole of the Act, he did nothing in the way of a consolidation of the Law of Forgery, and left the offences unprovided for. Now he proposed to meet the difficulty in this way. He proposed to leave to each department the task of revising and altering the Acts connected with it. The Customs had 360 acts connected with that department, and they had already reduced them to the number of ten. The Stamp-office was engaged in the same task. The Navy Pay-office, and those connected with the hospitals, were engaged in the same task, and he was informed that in a short time the whole of the Acts relating to them would be reduced into a very small compass. He proposed then to repeal all the Acts which inflicted a capital punishment for forgery, whether the offence be either public or departmental, and to name a certain description of offences for which, and no other, the punishment of death was to be inflicted. Of the 120 statutes to which he had alluded, 61 inflicted the punishment of death. The Bill he proposed would contain only four clauses, and in them he proposed to consolidate the whole statute law relating to forgery. It would contain in one clause a distinct enumeration of all forgeries for which the punishment of death was to be inflicted, whether the offence were committed on the general or the departmental class, and the Act would, therefore, consolidate the whole of the laws relating to forgery in all public and private affairs. He thought it a most important object to diminish, as much as possible, the number of offences to which the punishment of death had been attached. He had, indeed, no hesitation in avowing, that he was a strong advocate for the mitigation of capital punishments. He wished to remove, in all cases where it was practicable, the punishment of death; for it was impossible to conceal from ourselves, that capital punishments were more frequent, and the criminal code more severe, on the whole, in this country, than in any country in the world. It was better, however, to proceed cautiously, so as not to embarrass their judicial functions, in the event of any increase of crime taking place, and that increase being attributed to the laxity of punishment they had introduced. They had, however, both reduced the number of offences for which death was inflicted; and that punishment had also, in all cases, been more sparingly applied. On a comparison of the number of executions in London and Middlesex, in time of war and peace, it appeared they were much more numerous in time of peace. Whether it were, that dishonest and profligate persons were carried off by the demands of war, or that the quantity of employment was greater for all, it was impossible to say; but the fact was so, as the return sufficiently proved. In the seven years of peace which succeeded the year 1783, although the number of the population was less and the number of crimes less, yet the executions were much more numerous than at any former or succeeding period. The executions in the seven years amounted to 378, or 56 on an average in each year. In 1787, 97 executions. And now, taking the seven years from 1816 to 1822 both inclusive, the executions were only 192, or an average of 27 each year; and in the last seven years, from 1822 to 1829, there were only 122 executions, making an average of 17 each year, or about one-third of the executions of 1784. He would now proceed to state the offences on which he proposed to remit the punishment of death. The great principle to which he adhered was, to confine that punishment to the forgery of negotiable and transferable securities, and to every thing which represented money. He might add to them the forgery of the Great Seal, the Privy Seal, and the Sign-Manual. He should also add the forgery of wills of personal property. In documents of that kind no witnesses were necessary, and as they were generally not

produced till the death of the parties, and might therefore be made the instruments of great deception, and cause great injury to families, he had thought it right with regard to them to retain the capital punishment. He added to these all false entries relative to public stocks. All forgeries of promissory notes—all fraudulent attempts to procure money—all forgeries of the notes of the Bank of England—in fact, all documents representing money, or which came under the denomination of negotiable or transferable securities. In the cases where he remitted the punishment of death, he was confident there would be much difference of opinion as to their propriety, and that some persons would be inclined to suppose he had not gone far enough, and others much too far; but he was of opinion that there would be more security in that course, and that a great deal of good might be done by the increased caution which these exceptions would introduce. He proposed, therefore, to except from the punishment of death all forgeries of receipts for money and goods—all issuing of forged stamps, or forgeries of stamps—all attempts to defraud by forged orders—all fabrications of bank paper, that is, the paper on which notes are stamped—all forgeries of deeds and bonds, and every document which did not come under the class he had named, and which were not negotiable or transferable securities. For these offences death was now very rarely inflicted, and he was ready to admit that it ought not to be inflicted. He had been guided in this course by the opinion of the committee which sat to enquire into the Criminal Code in 1819. The report of that committee says, "It has sometimes been said, that the abolition of penal laws, which have fallen into disuse, is of little advantage to the community. Your committee consider this opinion as an error. They forbear to enlarge on the striking remark of Lord Bacon, that all such laws weaken and disarm other parts of the criminal system. The frequent occurrence of the unexecuted threat of death in a criminal code tends to rob that punishment of all its terrors, and to enervate the general authority of the government and the laws. The multiplication of this threat in the laws of England has brought on them and the nation a character of harshness and cruelty which evidence of a mild administration of them will not entirely remove. Repeal silences the objection. Reasoning, founded on lenient exercise of authority, whatever its force may be, is not calculated to make a general and deep impression. The removal of disuses is a preliminary operation which greatly facilitates a just estimate, and where it is necessary, an effectual reform of those laws which are to remain in activity. Were capital punishments reduced to the comparatively small number of cases in which they are usually inflicted, it would become a much simpler operation to form a right judgment of their propriety or necessity. Another consideration of still greater moment presents itself on this part of the subject; penal laws are sometimes called into activity after long disuse, and in cases where their very existence may be unknown to the best-informed part of the community; malicious prosecutors set them in motion; a mistaken administration of the law may apply them to purposes for which they were not intended, and which they are calculated more to defeat than to promote; such seems to have been the case of the person who in the year 1814, at the assizes of Essex, was capitally convicted of the offence of cutting down trees, and who, in spite of the earnest applications for mercy from the prosecutor, the committing magistrate, and the whole neighbourhood, was executed, apparently because he was believed to be habitually engaged in other offences, for none of which however he had been convicted or tried." The right hon. gentleman then eulogised Lord Bacon, who contended in his works for the principles he now asserted; and having adverted to the wonderful sagacity which that great man displayed, he expressed his surprise that any persons in authority could have perused his recommendations, and left it to the present day to carry them into effect. He confessed he never heard the name of Lord Bacon without feeling the force of those lines of Cowley, which he thought very preferable to those celebrated verses of Pope, in which he described him, connecting together his glory and his disgrace, as at once the greatest and the meanest of mankind. Cowley's commendation was contained in his Address to the Royal Society, and his comparison of Bacon to Moses might be extended beyond the bounds of learning and philosophy. If he had not led statesmen and society out of the wilderness, he had pointed out the path. That glory was his, the neglect was his successors'.

"Bacon, like Moses, led us forth at last,
The barren Wilderness he past,
Did on the very border stand
Of the blest Promised Land,
And from the mountain-top of his exalted wit,
Saw it himself, and showed us it."

Before making his present proposition, he had referred to the bill of 1821, which had been read a third time in that House, but did not pass into a law, and he found that there was no very material variation in the principle of the two measures. He had also referred to the Code Napoleon, and he also found that there was no very material variation in the principle of his proposition and that of the Code Napoleon. There was one peculiar reason for being cautious in their advances towards the mitigation of the punishment of forgery: it was an offence chiefly committed by persons of ability and information, and whose ability and information frequently gave them the means of committing it to a great extent: for instance, in the case of Fauntleroy, the forgeries which he committed amounted to above £400,000. If the capital punishment were entirely remitted, some secondary punishment must be substituted. Now, however mischievous and extensive was the crime of Fauntleroy, he was quite sure that if such a person had been sentenced to such a punishment as two years' hard labour on the public roads, the sympathy of the public would soon have been excited at seeing him degraded to the condition of associating with the commonest and vulgarest criminals. If he had been sent to New South Wales, such a man in that colony would have found that transportation was the slightest punishment that could have been inflicted on him. Looking at these and other considerations, he must deprecate the sudden and entire cessation of the punishment of death for forgery. Let the effect of the measure which he was now proposing be watched. Desirous as they all were of gradually mitigating the severity of our criminal code, he entreated the House not to load such a disposition with the opprobrium which might be cast upon it, should premature efforts prove injurious. Let the progress be gradual and cautious, and he was confident that the object would eventually be attained. It ought to be recollected that the number of offences to which the present law applied was very considerable. Upon the average, every one of the sixty-one acts which he had described comprehended five distinct offences. Of this, however, he was persuaded, that the mitigation of the punishment would diminish the present facilities which the offender had of escape. It would ensure his conviction. There were offences connected with forgery which the existing law did not touch. One, and that a very great one, was the forging of acceptances of individuals on foreign bills of exchange: he doubted if any penalty whatever attached at present to such a crime. It was his intention, however, to remove that doubt, by comprehending the offence in the provisions of his bill. There were several other offences, the punishment of which was at least doubtful. If an English person dying at Paris made a will, and another will were forged, that offence ought to be subjected to the same punishment as the forging of a will in this country. He meant, therefore, to propose, that it be enacted, that wherever a document of that nature was executed, the punishment of forging it should be the same as if it had been executed in this country. He proposed also to remove a great imperfection in the law, by proposing to alter the law of venue; and to dispense with the necessity of proving the place where the forgery was committed, provided the fact itself were proved. He was ashamed to trespass so long on the attention of the House; but he trusted the importance of the subject would be his apology. The right hon. gentleman here briefly recapitulated the objects, as they regarded forgery, which his Bill contemplated. Connected with the law of forgery was the law of coining. It was his intention to propose the consolidation of all the laws having reference to coining, and to mitigate the law with respect to capital punishment, as it affected one offence, in the same manner as he proposed to mitigate it as it affected the other. Should these bills pass during the present session of Parliament, little would remain to be done in the consolidation of the criminal law. He had been encouraged to pursue the course which he was pursuing, by the fact, that in no single instance had what had hitherto been done proved injurious. Although so many statutes had been repealed by his former measures, no evil consequence whatever had resulted. He could not

conclude without repeating his deep obligations to the two gentlemen whose invaluable assistance he had obtained in the preparation of his measure. The one was Mr. Hobhouse, who, having fulfilled the duties of Under Secretary of State for several years with great zeal and ability, had retired into private life, retaining his disposition to be serviceable to the public. The other was his friend Mr. Gregson, whose aid had been most material. Nothing could exceed the zeal of that gentleman in the work; and to him and to Mr. Hobhouse the country was greatly indebted for their persevering exertions. The right hon. gentleman concluded by asking leave to bring in a bill to amend the law relating to forgery.

Leave was given to bring in the Bill, which was read a first time, and ordered for the second reading on the 26th of April.

FOREIGN RELATIONS OF THE COUNTRY.

APRIL 2, 1830.

MR. SECRETARY PEEL, in reply to Lord John Russell, said, he could assure the noble Lord that his Majesty's Ministers were anxious to produce the papers which related to the negotiations regarding the future condition of Greece at as early a period as they could, consistently with that which must be the leading object of all statesmen—the permanent interests of this kingdom, and those likewise of that country in whose affairs we had been induced to interfere. He had the satisfaction of stating that the parties who signed the Treaty of the 6th of July, 1827, had come to a resolution respecting the government of Greece, and the relations it was to hold with other powers; and he had also the satisfaction to say, that they were in perfect accord as to the Prince to whom the sovereignty of that country was to be committed. On these main points, the future government of Greece, its future condition (which, he was happy to declare, was to be one of unqualified independence), and lastly, the selection of the Prince who was to preside over its destinies—on all these great points there was the most complete concord, and the most perfect unanimity between the Allied Powers who had signed the treaty of the 6th of July. That concord had existed from the beginning, and up to this moment was uninterrupted. But there were some points of a subordinate nature, on which negotiations were still pending, and until they were brought to an end, the noble lord himself must concur with him that it would not be for the public interest to produce the papers; he was sure, however, that at no distant moment, he should receive the commands of his majesty to lay them before the House. He was also sure that this would be done at the earliest possible time consistent with the interests of England, and the permanent welfare of Greece. The noble lord had stated that he approved of the domestic policy pursued by the administration, but that he viewed the foreign policy with some suspicion and distrust. Now, he could not help thinking that the distinction arose from the circumstance that there was not the same opportunity of giving that immediate explanation respecting the course pursued by government in the one that there was in the other. The domestic policy was in itself of necessity more clear—it was the subject of constant discussion in that House; but it was obvious that the same facility did not exist as to foreign policy. Silence was imposed upon the ministers for a long period in many instances. If, then, on those points in which ministers had means of explanation the noble lord gave them his confidence, and if there were points on which they could not give an explanation, he hoped that the House would not follow the example of the noble lord as to our foreign policy, but, on the contrary, suspend its judgment until ministers could give a full account of their proceedings; and he entertained the utmost confidence, that when this took place, the decision would be in their favour, as well in regard of foreign policy as in that of domestic policy. The House might rest assured, that after having completed the pacification of Greece, they would neither sacrifice the permanent interests of that country nor of this; and that also the most anxious attention would be paid to that which must be as dear to them as any worldly or pecuniary interest whatsoever—he meant the high character of the British nation [cheers].

Lord J. Russell asked if the negotiations then pending related to the affairs of Greece, or to those of the Ottoman Porte?

Mr. Peel stated, that they were negotiations between the three Allied Powers on the one hand, and the Prince designated as sovereign of the country on the other. The right hon. gentleman, after a short pause, gave a further explanation of what, he said, was a very important point which he had inadvertently omitted, in replying to the questions of the noble lord. He was unwilling to leave it in that degree of uncertainty which might seem to warrant the correctness of the noble lord's opinion. The noble lord said, that from something which had passed in that House, he had been led to understand that in August last we were upon the verge of a war, in order to protect Turkey from the attacks of Russia. Now, he could not acquiesce in the correctness of the noble lord's interference. He was not aware that the country was on the verge of war at the period alluded to, and still less for the purpose of protecting Turkey or Constantinople from the Russians.

NAVIGATION OF THE RHINE.

APRIL 8, 1830.

In answer to a question from Mr. Charles Grant, relating to the navigation of the Rhine, according to the stipulations of the Treaty of Vienna,—

MR. SECRETARY PEEL stated, that he was willing to follow the example of his right hon. friend, and give a short explanation as well as an answer. In 1815, a treaty was made at Vienna, which he thought, and in this he concurred with his right hon. friend, and all his predecessors in office, intended that the navigation of the Rhine should be open to all nations. A doubt, however, had arisen as to the meaning of the treaty, which was drawn up originally, he believed, in German, and not in French, and the King of the Netherlands contended that the words of the original treaty did not bear the signification other parties had assigned to them. What might be the meaning of the original treaty in German he would not decide, but looking at it as it was expressed in French, he had no doubt that it was meant to open the navigation of the Rhine to all nations. The words were, that the navigation shall be free—*jusqu' à la mer*. The government of the Netherlands interpreted this to mean as far as the sea, and not into the sea; which was not, he thought, a very good argument. Another difficulty had been raised concerning the channel of the Rhine, connecting it with the sea—whether it were the Waale, or the Leek exclusively; and the king of the Netherlands was disposed to determine that it was the Leek exclusively. If that were the case, as the Leek was not navigable for sea-going vessels, nor accessible at all times, it would so limit the navigation of the river as to render it almost useless. England, he admitted, above all other nations, was interested in having the navigation of the Rhine free, or subject only to such very moderate duties as were sufficient to maintain the police of the river, keeping the towing-path in order, &c. His right hon. friend, after having stated the case, had asked if the navigation were not closed to all but those having a concurrent interest in the river? He had asked whether there had not been a treaty lately signed by the Continental Powers bordering on the Rhine? and he had also asked whether or not this treaty would be communicated to Parliament when it was ratified? As he understood the subject, it was somewhat different from the case as stated by his right hon. friend. There were assembled at Mayence, commissioners from all the states bordering on the Rhine, constituting what was called the central commission, which represented all these states, and no treaty had been entered into between them and the king of the Netherlands. There was, indeed, a *projet* of a convention between Prussia and the Netherlands, which had been communicated to the central commission, which had not stated that it would accept this *projet*. When the treaty was concluded and ratified, there was no doubt it would be communicated formally to his Majesty's government, and when communicated, he had no doubt it would be laid before the House. He could not pledge himself, as the treaty was not ratified, as to what would be the course pursued by his Majesty's government. France, he believed, had some objection to the treaty; but he could have no doubt that when it

appeared, England would claim her full share of the advantages. England was not prepared to acquiesce in any system for granting exclusive commercial privileges; she had signified to those powers that they were not to prejudice her interests by their treaties, and that she should urge her rights according to the treaty of 1815. In the present state of the case, England claimed a free traffic, and declared, that till the treaty was ratified she would not consider her claims in any way prejudiced. In whatever view it might be ratified, England would not consent to any such exclusive scheme. He agreed with his right hon. friend that the interests of the commercial world ought not to be overlooked; and he was sure that his Majesty's government was deeply alive to every measure which affected the commercial interests of this country.

Mr. C. Grant said, that the convention between Prussia and the Netherlands, mentioned by his right hon. friend, was different from what he described it to be. The *projet*, which he had seen in a German paper, for December, was entered into by Prussia, Bavaria, France, Hesse, Nassau, and the Netherlands. It was not merely a convention between Prussia and the Netherlands, but an agreement entered into between all the parties. That was the general impression concerning it. When the treaty was carried into operation, England would be unable to claim any privileges under it, as it related solely to the powers who were parties to it. The treaty, as he understood it, was so exclusive, that vessels from Baltic-Prussia were not to enter the Rhine, the navigation of which was to be confined to the vessels of the powers seated on its banks. Under the treaty, England would have no privileges whatever.

Mr. Peel replied, that he had stated what was, he believed, correct. He believed the *projet* was only for a convention between Prussia and the Netherlands. Prussia was the party most interested. The central commission consisted of a delegate from each state situated on the borders of the Rhine; and that commission had never consented to the convention entered into between Prussia and the Netherlands. The powers concerned had the convention under consideration; but what opinion they would form, it was impossible to say. He believed that the *projet* was formed on the principles of the treaty of 1815, which certainly his Majesty's government would not lose sight of. England would not relinquish her claims, and when the treaty was ratified would not forget to urge them. He supposed that the case would be amicably arranged; but, whatever might be the result, England would claim all the benefit which she had a right to. It might perhaps be satisfactory to his right hon. friend to know, that an English vessel had proceeded up the Rhine with a cargo, which had been delivered at Cologne.

Mr. C. Grant knew that an English vessel had proceeded up the Rhine, but he also knew that there was no disposition to repeat the voyage. The duties levied on her were so enormous, that they destroyed all profit, and no other vessel would make the same experiment.

Mr. Peel said, the government would protest as strongly against prohibitory duties as against actual prohibition.

POOR LAWS' AMENDMENT BILL.

APRIL 26, 1830.

In a committee of the whole House, on the Poor Laws' Amendment Bill,—

MR. SECRETARY PEELE said, he was sorry that there had not been a preliminary discussion—that they had not discussed the principle of the bill before they went into committee upon it. At present, instead of paying all that attention to the clauses which it was the practice of the House to pay in committees, they had occupied themselves chiefly with discussing the principle of the bill; thus reversing the usual course of business, by leaving to the third reading the arrangement of the clauses, and occupying the time of the committee with that which ought to be done at the third reading. He wished, therefore, that the hon. mover would endeavour, in the committee, to render the bill as perfect as possible according to his own conception, and then let it take its fate on the third reading. The hon. gentleman had expressed

his readiness to do all in his power to meet the views of members, and so to frame or alter the bill as to obtain general support: in doing so, he more indulged his own good-nature than did what was calculated to promote the success of the bill. He really thought that the object of the hon. member would be best effected by making the bill as perfect as possible, according to his own conception, and not by endeavouring to accommodate it to the fancies of every hon. member. Though he saw much matter for serious consideration in the bill before the committee, yet he should be far from throwing any obstacles in the way of its passing through that stage; and he should be extremely sorry to say any thing that could prejudice it on the third reading; but he must be allowed to say, that he doubted whether the hon. member could accomplish what he had in view—namely, making the condition of the South resemble that of the North, by the introduction for a time of an intermediate system not now in use in either. No one could doubt, that the hon. member's object was a very laudable one; and wishing, as he did, every success to the hon. member, still he entertained doubts with respect to the propriety of some of the details of the measure before them. He thought, in fact, that by this measure the hon. member would introduce into the South a plan which did not exist in the North. The manner in which the reception, care, and education of children were provided for in this bill, was unknown in the North. He had his doubts with respect to the propriety of the power given by this bill, of separating the children from their parents. In cases where the parents were persons of profligate character, the separation might be advantageous; but where the parish had provided houses for the reception of children, he was afraid this power of separating children from their parents would be exercised indiscriminately, and that the overseer would make no difference between the careless and profligate, and the industrious and affectionate parent. Overbearing necessity might justify this power of separation; but at the first blush of the question, and as a general measure, he was decidedly opposed to it. In some cases it would doubtless be consulting the morality and the interests of the children to separate them from their parents; but there were many cases in which he should be extremely sorry to see such a power exercised. He doubted, also, if it would not prove an expensive system, and he therefore entreated the committee well to consider that point before they proceeded further with the bill. He understood it as conferring certain powers upon the parish officers, until the practice of the South should be assimilated to that of the North—it gave them a power of founding a school, in which they could place all children on whose behalf parochial relief was demanded, from the age of seven to fourteen, and fixed it entirely under the management of the parish officers. Whenever relief was asked for any child from the parish, he was perfectly ready to admit that from that moment the parish officers were entitled to interfere with its daily education, namely, with the education which it might receive at a day school; but beyond that, he much questioned the expediency of interference. He had had some experience on this subject in Ireland, in respect of an establishment which undertook not alone to provide for the education, but for the clothing and employment of the children committed to its care; and he must confess, that the result of that experience was by no means favourable to the practice. One of the difficulties which it presented was this, that when the children attained the age of fourteen, the managers knew not what to do with them. They might have twenty, thirty, forty children at the age of fourteen, who had received a better education, perhaps, than might have qualified them for situations merely servile; and from that, and other causes, the conductors of Charter-schools—the establishments to which he particularly alluded—had great difficulties to contend against. Those conductors stood in the place of parents, and the parents and friends of the children had a right to say, you are responsible, and not we, and to you we look for putting forward in the world those young persons, now at the age of fourteen or fifteen, of whom you have assumed the care. Then, again, another objection to the bill was, that it conferred upon churchwardens and overseers powers which they would be very likely to exceed. To establish such a school as was contemplated by the bill, invested the churchwardens and overseers with the power of appointing masters and mistresses, and attendants, and so conferred upon them a certain amount of patronage; for the persons employed must, of necessity, get some stipends, more or less. To such an enactment, he confessed, he could

not help feeling considerable objection. This bill would confer upon churchwardens and overseers the power of taking leases, making purchases, building or fitting up houses—surely such powers were open to abuse. For these reasons, then, he thought that the committee ought to pause before they agreed to all the clauses of the bill. He begged not to be understood as urging these observations as objections to the bill; he only aimed at suggesting topics which he thought were deserving of serious consideration.

VESTRIES IN IRELAND.

APRIL 27, 1830.

Mr. O'Connell, preliminary to an intended motion, called the attention of the House to a statute named the Vestry Act, passed in 1827, which considerably affected the property of his Majesty's subjects in Ireland. His motion, he said, was simply this—to prevent the possibility of any one class being bound to keep its pockets open, that another might thrust its hands into them. The hon. and learned gentleman moved for leave to bring in a Bill to alter and amend the laws relating to Vestries in Ireland.

The Chancellor of the Exchequer defended the act; and, in the course of the debate which took place, Mr. Trant opposed the motion, and pointedly remarked, that all men had foreseen that the moment a Roman Catholic member obtained a seat in that House, measures would be introduced for the purpose of overturning the Established Church in Ireland. This, in fact, was the object of the hon. and learned gentleman, though he couched it under the name of an amendment in the Vestries Act.

MR. SECRETARY PEELE said, he most fully concurred with the hon. member who had spoken last, that they should look with the utmost vigilance to all that affected the interests of the Established Church—there was no motion brought forward as the present had been which should not be regarded with, he might even say, suspicion—a motion made upon such a subject, and having such an effect, by an hon. member dissenting from the doctrines of the church, and avowing opinions with respect to contributing to the maintenance of the Established Church, such as had been avowed by the hon. and learned mover—to which he added, that he contemplated ulterior measures, which, for the present, he did not think it expedient to put forth. Now, it was to be regretted that he had confined himself to that imperfect statement of his opinions; it would have been much to be desired, that those opinions had now been submitted to the House, that they might know at once what the hon. and learned gentleman proposed to do. With respect to the particular question then before them, he begged to say, that he was far from denying that very plausible arguments had been brought against points and portions of the Act, of which it was the object of the hon. and learned gentleman to procure the repeal; but he looked to the main principle of the motion, and upon principle he opposed it. He understood the main object of it to be, to enable Catholics and other Dissenters to vote at Vestries concerning the imposition of church-rates.

Mr. O'Connell: Other Dissenters vote now.

Mr. Peel resumed: If Roman Catholics were permitted to vote, he foresaw it must be productive of the most endless confusion in Ireland, and would lead to the destruction of that peace and good-will now so happily prevailing in that country. The Church of Ireland was a branch of the Protestant United Episcopal Church of England, and the reform carrying on in the whole of that church required an increased supply of places of worship, and he knew not how those were to be had otherwise than by taxing the possessors of land in Ireland. They could not expect England to pay for those churches; and if it turned out that the possessors of land in Ireland were not able to pay for them, then England must see that they were paid for from some other quarter, so as to keep the burden, if possible, upon the shoulders of those who ought to bear it. The members of the United Church had a right to look to the possessors of land in Ireland, for the maintenance of the decent performance of public worship, according to the form of the Established Church.

For his part, he knew nothing better than levying parochial rates for this purpose. He confessed he heard with surprise a lawyer recommending an enactment, giving the power of application to the Court of King's Bench—it might be said, that even at the present moment there existed the means of application to the King's Bench; he did not know whether it were so; if it were, he regretted it; for, in his opinion, the court of King's Bench ought to be kept aloof from all party contention, whereas the measure which the hon. and learned gentleman sought to carry, would have the effect of erecting the court of King's Bench into a political tribunal, exercising a discretion upon the expediency of erecting a church in every parish in Ireland. He knew that in certain cases of rates, that Court could issue a *mandamus*; but he should most decidedly object to devolving upon that court the exercise of a political discretion, instead of leaving it exclusively to its legitimate business, the administration of justice. Admitting the force of some observations which had been made respecting the operation of the vestry act, he preferred giving the present motion a decided negative, to adopting any other course; nor should he purchase the concurrence of any hon. gentleman in that House, by giving a distinct pledge to propose any alteration in it. He could not conceal from himself the difficulties that were in the way of any attempt to specify by law, in what cases Vestries should have the power of imposing rates. The canon law and the rubric were, it must be admitted, but little understood, and rarely referred to by those who took an active part in the business of Vestries; and, in the circumstances in which the circular letter of his right hon. friend had been issued, he did not, he confessed, see how a more expedient course could have been pursued. Though fully aware of the difficulty of accomplishing the object of which he spoke, he could not help expressing a wish that all those cases were specified by law; for it was scarcely to be supposed that the Roman Catholic would remain satisfied with any practice, merely because it was prescribed by the Canon and the Rubric, and not specified in any legislative enactment. It would be, therefore, convenient and advantageous, that a law should be passed, did no grounds of objection to it appear; but to say any thing decisive, one way or the other, would be giving a pledge in the course of a debate too important to be given, except upon due consideration. There were other points connected with the present question, which required much consideration, and to which he was willing to give his serious attention, but upon which he could then give no pledge. As to the motion of the hon. and learned gentleman, he differed from it in principle; and therefore he was prepared to give it his most decided negative.

On a division, the motion was negatived by 177 against 47; majority, 130.

AFFAIR AT TERCEIRA.

APRIL 28, 1830.

Mr. Grant prefaced a speech of considerable length by reading the following Resolutions, which it was his intention to submit to the House:—

“That prior to the 12th of December, 1828, her Majesty the Queen Donna Maria II. had been recognised by his majesty, and the other great powers of Europe, to be legitimate Queen of Portugal; and that at the period above-named the said queen was residing in this country, and had been received by his majesty with the accustomed honours of her royal rank.

“That on the said 12th of December, the island of Terceira, part of the dominions of the queen of Portugal, was governed by authorities, civil and military, in allegiance to her majesty.

“That on the said 12th of December instructions were given by the Lords Commissioners of the Admiralty, stating that ‘a considerable number of Portuguese soldiers, and other foreigners, were about to sail in transports from Plymouth to Falmouth, and it is supposed they intend making an attack on Terceira, or other of the western isles; and his majesty having been pleased to command that a naval force should be immediately despatched to interrupt any such attempt, you are hereby required and directed to take the ship and sloop named in the margin under your command, and to proceed with all practicable expedition to Terceira; and having

ascertained that you have succeeded in reaching that island before the transports alluded to, you will remain yourself at Angra or Praia, or cruising close to the island in the most advisable position for intercepting any vessels arriving off it; and you will detach the other ships as you shall deem best for preventing the aforesaid force from reaching any of the other islands.'

"That on the arrival of the naval force sent to Terceira, in pursuance of these instructions, the commanding officer found that island in possession of and governed by the authorities above mentioned.

"That in the beginning of January, 1829, a number of Portuguese, subjects or soldiers of her said majesty, voluntarily left this country, with a view of repairing to the said island, and that their departure and destination were known to his Majesty's government; that they appear to have embarked and sailed in unarmed merchant ships, to have been unaccompanied by any naval force, and themselves without any arms or ammunition of war.

"That these unarmed merchant ships and passengers were prevented by his majesty's naval forces, sent for the purpose, from entering the harbour of Porto Praia; and that after they had been fired into, and blood had been spilled, they were compelled, under the threat of the further use of force, again to proceed to sea, and warned to quit the neighbourhood of Terceira and the rest of the Azores, but that they might proceed wherever else they might think proper.

"That the use of force in intercepting these unarmed vessels, and preventing them anchoring and landing their passengers in the harbour of Porto Praia, was a violation of the sovereignty of the state to which the island of Terceira belonged; and that the further interference to compel those merchant ships or transports to quit the neighbourhood of the Azores, was an assumption of jurisdiction upon the high seas, neither justified by the necessity of the case, nor sanctioned by the general law of nations."

Mr. Grant having concluded his speech by reading the first of the above resolutions, a long debate ensued, in the course of which, rising immediately after Sir Francis Burdett,—

MR. SECRETARY PEEL said, that he felt great obligations to the hon. baronet for the new light he had thrown upon the discussion. In a manner the most generous, if not the most discreet, he had disclosed the real tendency and object of the motion. He flung to the winds the dry abstract question of the law of nations; away, he says, with your Vattels and your Bynkershooeks—away with all enquiries into the jurisdiction you have exercised under the laws of nations; I impugn the policy of your neutrality; the principles which animated the patriots of Greece and Rome ought to have guided you; and you ought to have upheld the principles of liberty by making war on Don Miguel. And that, however disguised, was the real ground for the attack now made on his Majesty's ministers; their neutral policy was impugned through the affair which happened at Terceira. Like the hon. baronet, he would not involve himself in legal subtleties—he would only appeal to the plain good sense and common understanding of hon. gentlemen, having thus merely reminded those who were prepared to vote upon the abstract right of the question, what, according to the views of the hon. baronet, ought to have been the policy of this country in order to promote the general principles of liberty. He was disposed to speak of the Portuguese refugees with sympathy for their sufferings, and respect for their misfortunes: they came to our shore claiming our hospitality, and they were kindly received; they had since left it, and perhaps all of them had not even yet found a place of refuge. When they came to this country, government recollected the circumstances under which Don Miguel had usurped the government of Portugal—he repeated, usurped the government of Portugal; and, though we consented to afford them a temporary asylum, we resolved to maintain a strict neutrality. It was for the interest of Great Britain not to foment civil dissensions in Portugal. The decision of his Majesty's ministers had on several occasions received the sanction of that House, a majority of which had more than once declared, that it was wise for the country to maintain a strict neutrality between the contending parties in Portugal. He admitted the distinction drawn by his right hon. friend who opened the debate, between a voluntary and stipulated neutrality; but that distinction had nothing to do with the present question. We were not bound, he would also admit,

to remain neutral; but having chosen neutrality as our best policy, we were bound rigidly to observe its principles. In that respect voluntary neutrality did not differ from stipulated neutrality, and both equally conferred some privileges, but imposed important duties. To Don Miguel, who was king of Portugal *de facto*, this country was bound to look, to maintain the engagements entered into by Portugal towards this country. Whenever Don Miguel displayed a disposition to violate the engagements subsisting between England and that country, even so far as regarded the rights of an individual, he had been threatened; and consequently, when the government enforced the strict performance of treaties on the one hand, it was bound to maintain a perfect neutrality on the other. The House would recollect that an attempt was made to oppose the government of Don Miguel by force, and that attempt having failed, most signally, the persons engaged in it sought refuge in Spain. Did the government of this country, then, show no sympathy with these persons? It was not bound to interfere for them, it might have left them to the government of Spain, but it took a more active and generous part. Messengers were despatched to the Spanish government, requesting it to extend the time granted to these refugees to remain in Spain; that request was granted, all means short of actual interference by force to protect these people were adopted, and it was upon an understanding with the British government, if not upon its invitation, that they came into this country. In short, every measure, except a breach of neutrality, was resorted to for the benefit of the refugees. When they came here we told them, in the most friendly but candid manner, that we would do every thing for them in our power but commit a breach of neutrality; such as recognising them as a military force, or allowing them to act as such. They found an asylum here, and the conduct of his Majesty's government displayed any thing but a want of sympathy for their sufferings. When the Marquis Barbacena first applied to the government for facilities to fit out an hostile expedition, the government was obliged to look on the refugees as an organized body of troops. As such they could not be allowed to remain in England, and they were told that if their object were to threaten the Azores, or any other portion of the territories that acknowledged the government of Don Miguel, that would be a breach of our neutrality, and we must decidedly oppose it. His right hon. friend had accused his Majesty's government of having availed itself of the existence of civil war in Terceira as a justification of its conduct, when, as he asserted, that civil war did not commence till after we had stopped the expedition going to Terceira. But he held in his hand the most indisputable proofs of the existence of civil war at Terceira antecedently to that time, and which were in the possession of his Majesty's government at the period when it gave orders for stopping that expedition. It was not necessary for him to refer to those proofs; they were on the table of the House, and would soon be in the hands of hon. members. He would only observe, that it was well known that the port of Terceira is a strong position, within the limits of which, on a memorable occasion, the Spanish and Portuguese vessels found refuge; it was equally well known, that soon after Don Miguel ascended the throne of Portugal, his authority was recognised in every part of the Portuguese dominions except this island, and there also his authority would have been recognised but for the presence of five regiments, who were in the interest of Donna Maria, and held the fortress in her name. There was a despatch on the table from General Caffiera, dated October 3rd, 1828, and he could not conceive how it was possible for any person to read that despatch and doubt for one moment that civil dissensions had existed at Terceira antecedently to that time, and that but for these regiments the whole island would have acknowledged Don Miguel. He had, he thought, fully justified his Majesty's government from the accusation of seeking a pretext in subsequent disturbances for its own antecedent conduct. The disturbances existed long prior to that part of the conduct of the government which the motion went to censure. The next question for consideration was, the character of the expedition, and his right hon. friend contended that, going unarmed from our shores, the refugees were not to be considered as a military body, and that their conduct was no breach of our neutrality. Was it then to be contended, that no expedition was a military expedition except the troops had their arms on board the same vessels with them? If they were on board one vessel, and their arms in another, did that make any difference? Was such a pretence to be tolerated by that

common sense to which the hon. baronet had appealed? During the whole time the refugees were in this country the Marquis Barbacena spoke of them as troops, and General Stubbs addressed them as such in a military order of the day. Would it do, then, for the government of this country to tell all Europe that it had no knowledge of their character, and no cognizance of their departure? Arms were already provided for them at Terceira; the men were proceeding thither for the purpose of using the arms, and no person could for one moment doubt what was the real nature and character of the expedition. Some time before, the Marquis Barbacena requested permission to send some arms and ammunition out of the country, and he then distinctly declared, in answer to the foreign secretary, that they were intended for the Brazils. It was on that declaration that permission was given. The Emperor Don Pedro, it was said, was not desirous of being the Brutus of Portugal, and he was aware of the danger of committing the Brazils in the civil dissensions of her ancient European dominions. Don Pedro left the defence of the principles of liberty in Europe to the members of the English parliament. After the assurance to which he had alluded had been given—after the declaration thus made, the arms and ammunition were taken, not to the Brazils, but to Terceira, and deposited in the fort at Angra. The arms were sent previously to sending the troops, and would any man say that this did not make the expedition as completely a military expedition as ever left the shores of any country? The Marquis Palmella admitted that the arms had been sent to Angra, and he stated unequivocally that he was preparing a further supply if the quantity already sent should be insufficient for the troops. The troops were embarked on board eleven transports, and it was not possible for the government of this country, knowing all the facts of the case, to shut its eyes to the real objects of the expedition. The question had been argued as if it were a strictly legal question, and gentlemen seemed to suppose that they could settle a question of national policy by their law books. The opinions of jurists had been referred to, and the judgments of Lord Stowell had been cited with a triumphant but useless display of learning. Surely the hon. and learned member who had referred to that noble lord's opinion, ought to have recollected that, in one of the very cases mentioned, that noble lord had distinctly declared, that any persons who made use of a neutral country for the purpose of fitting out a warlike armament, to be directed against a country with which that neutral was at peace, were guilty of a breach of its neutrality. He would not, however, dwell longer on that point; he would rather take up the same ground as the hon. baronet; he would leave the law of the case to the professional gentlemen, and look at the question with a plain understanding. Would any person then say, that it made any difference that this expedition was going to defend not attack a fortress? Was not defence the act of a belligerent as well as attack, and did not the neutral who assisted the defence as much commit a breach of neutrality as if he aided an attack? Suppose Gibraltar were invested, and two or three of our battalions, in order to assist their brethren, should repair to a neutral state, and say to its government, "We are veterans, we are the subjects of one of the belligerents, we desire to assist the besieged, but in order to elude the other party, we have pulled off our red coats; we are therefore now peaceful citizens, private innocent persons; we go only as individuals, we shall find arms and ammunition there: do you only allow us to indulge the *amor patriæ* which we feel; allow us to refresh and recruit ourselves here, and then to proceed from your territory into the fortress of our own sovereign." That might be a very good *ruse*; but if such practices were to be the doctrines and principles of states, he did not see how they could preserve amicable relations with each other, or how any one of them could long remain neutral in any quarrel between two other states. Suppose the case reversed, and that Don Miguel were substituted for Donna Maria; that he had assembled troops at Plymouth, and had proceeded to attack some part of the Queen's dominions, and suppose that ministers had stood up to defend the conduct of the government in allowing him to collect a force at Plymouth, would not such a paltry distinction as that urged to justify the sailing of this expedition, be scouted with indignant derision by every patriotic member who should hear it employed to justify the government for not interfering with the expedition of Don Miguel. It was not necessary, he believed, further to discuss the question, whether the expedition were or not a breach of our neutrality, and, conceiving that it was, the next question which required to be settled was, whether or not we were

justified, after that expedition had left our ports, in preventing it from reaching the place of its destination. On that point, he thought, a complete answer to the statement of his right hon. friend who opened the debate, had been given by his right hon. friend who sat near him. The Portuguese refugees and their leaders had throughout been guilty of the grossest deception towards the British government. It had been such as justly to subject them to the treatment they had received. They had made representations that were untrue—they had entered into engagements which they had not kept; and in short, they had attempted to practise a fraud on the government of the country where they had received the rites of hospitality. On their heads, therefore, and not on the head of any one of his Majesty's ministers, ought the consequences of these transactions to be visited. Were the government of this country to allow itself to be deceived in the way these refugees had deceived it, the ports of England would be selected by all the discontented people of Europe to fit out and prepare expeditions against their governments; or even expeditions to plunder and devastate other countries. It might be true, that we had no right to punish the Portuguese for their fraud, but we had a right to prevent them profiting by their fraud, particularly when doing that might have involved us in a contest with another power on account of the breach of our neutrality committed by these people. In a speech made by the brother of his right hon. friend, on the Foreign Enlistment bill, that gentleman quoted the following passage from Vattel, which he presumed was correctly quoted: "Neutrals shall not suffer themselves or their possessions to be made instrumental in doing injury to other nations. There is no law of nature or of nations—no obligations of justice—which condemn us to be the dupes of those who would lead us into such wrong." That was the doctrine he would apply to the present case—we were not to be made the dupes of these people, to commit wrong against another power. But the consequences, he believed, of such proceedings, did we permit them, would be fatal to ourselves. If we supported, or allowed fraud, we should have no remedy but to submit to it when our own rights were in question. If we allowed one hostile expedition to be prepared within our territory, ten years would not elapse, to use the remarkable words of Mr. Canning, in the debate on the Alien bill, "before this country will be made the workshop of intrigue, and the arsenal of every malecontent faction in Europe. Placed, as this country is, on the confines of the old world and the new, possessing such facilities in her manufactures, and in her natural advantages, and, above all, in her free institutions, for the purposes of hostility—it becomes her, to watch with the narrowest scrutiny that the facilities she affords are not abused to her own injury." Was it possible, when such was the language of Mr. Canning, that he should now be invoked as an authority for the opinions of those who supported the present motion? He remembered that when he was sitting by the side of Mr. Canning, as his colleague in office, that it was stated by that right hon. gentleman, shortly before the Alien act was brought forward, and when ministers were considering of the propriety of abandoning it altogether, that information had been obtained, and he knew it to be correct, that the Spanish constitutionalists—the martyrs to liberty, as the hon. baronet called them—had resolved to foment internal disorders in the dominions of Spain. Mr. Canning stated in the House, that he did not allow a day to elapse, after learning this fact, without notifying to the persons carrying on these intrigues, that "the government would not allow them to desecrate the asylum they had chosen for their protection," and at the same time, he gave information to the governor of the Spanish province threatened by these machinations of what was going on. Mr. Canning said, that it was ridiculous to suppose that, if we authorized such a line of conduct, we should not have to pay the penalties of hostility. For the interest and peace of this country—not less than for the interest and peace of other countries, he enforced on all those who resided here the strictest neutrality. "God knew," he said, "when we should see the end of the prevailing agitation—when the struggle of opinions would terminate; and no man could wish for it more than he did; but he claimed these bills in order that we might not be fooled, gulled, bullied, cheated, or deceived into hostilities, into which we never intended to enter." It could not be supposed, it would be indeed deceiving ourselves to suppose, that the champions of freedom, and the friends of unquietness would not make use of our ports and our means; we had parted with the Alien bill, we could not prevent foreigners having

access to our shores—we had no longer a means of sending them summarily out of the country, and could it be believed, then, that there was a law of nations so absurd as to interdict us from using our own discretion whether hostilities, in which we had no interest, should or should not be carried on from our ports. For fifteen years we had been at peace—for fifteen years not an armament had left our shores, and if, during that period, the tranquillity of our ports and arsenals had not been disturbed by the necessity of supporting any British interest, or resenting any insult offered to the British dominions; it was too much that Portuguese refugees, who had been received here with hospitality and kindness, were to endanger our repose and the repose of all Europe, it was too much to suppose that England was to suffer herself to be made the starting-post of their animosities, and that, herself seeking and desiring peace, she was to be launched into hostilities by those who had sought refuge on her shores. As long as England remained at peace, she might be an asylum to the unfortunate, a refuge to the distressed, and a retreat to those who were weary and heavily laden, where they might lay down their burthen and be at rest. But to maintain our independence, to preserve the power of being this place of refuge, it was necessary, to use the words of Mr. Canning, that “we should not be fooled, gulled, bullied, cheated, or deceived into hostilities;” and, in order to prevent such a result, he hoped the House would join with him in rejecting the resolutions which had been proposed, and which were neither more nor less than a severe censure on the conduct of those who had prevented England from being cheated into hostilities.

On a division, the numbers appeared—for the motion, 78; against it, 191; majority, 113.

REFORM IN COURTS OF LAW.

APRIL 29, 1830.

Mr. Brougham, at the close of a long speech in illustration of his views respecting Law Reforms, moved for leave to bring in a Bill to establish Local Jurisdictions in certain districts in England. In the debate which ensued,—

MR. SECRETARY PEEL said, he wished only to address a few words to the House upon the main subject under consideration. It could not be necessary for him to say, that it was not his intention to offer any impediment to the introduction of the bill proposed; for he had placed on record his concurrence in so much of the principle and detail of the proposition, that it was quite impossible for him to dissent from the motion, though the hon. and learned gentleman's plan differed in some respects from the considerations he had submitted to the House. The hon. and learned gentleman went farther than he had been disposed to go, but both measures were based on the same principle; and in the principle of the proposition he cordially concurred. The time had arrived when it was desirable to facilitate the recovery of small debts, and bring justice in this respect as near as possible to the homes of the people. Expenses should be lessened, and he felt no objection to the establishment of local courts. He was aware of the objections which applied to exclusive and corporate jurisdictions, but it would be very easy to establish local court: to execute the general law of the land, and to steer clear of the evils which applied to local jurisdictions guided by local rules. Much had been said with reference to the inexpediency of cheap justice. If by cheap justice they were to understand bad justice, he acknowledged that nothing could be a greater evil than to make that cheap; but the introduction of cheap and good justice was not open to the objections by which cheap and bad justice might be assailed. He was well aware that it was desirable to keep down a litigious spirit amongst the population, but there was much less evil in that than in a total denial of justice, for the purpose of preventing such a spirit. It was difficult to define what was a litigious spirit. The sums trifling to one man might be important to another, and he who appealed for the recovery of his wages, the amount of which might appear to some of little concern, might feel the loss of seven or ten shillings more severely than those who legislated might feel the loss of £100. There was as much reason to facilitate the recovery of a just debt of a few shillings as of £100. It was a grievous injury to the poor, if

they could not recover small sums on account of the expenses of the suit; and to measures for facilitating the recovery of such sums, he was decidedly a friend. He would tell the House what was worse than a spirit of litigation; it was that spirit of discontent which was engendered by being told that the injured had no protection, and no alternative but an acquiescence in injustice. He hoped he might be allowed to refer to the bill for the recovery of small debts which he had introduced last session. It was entitled, "A bill for the more easy recovery of small debts in England and Wales, and for the establishment of local jurisdictions for that purpose." Although his bill did not go to an equal extent with the bill now proposed to be introduced, yet there was not a single clause of it that might not be inserted in the bill of the hon. and learned gentleman, consistently with the principles of his speech that evening. He (Mr. Peel) took no credit to himself for introducing that bill, for the merit of it was entirely due to the noble lord opposite (Lord Althorp); and it was only because the bill could not be brought forward with sufficient advantage by any but an official person, that the noble lord had delivered over to him the task of proceeding with the measure. He would beg leave to mention a few of the details of his bill, to show how far they agreed with those of the hon. and learned gentleman. He would first say, that he had a great objection to the establishment of new tribunals, if the purposes for which they were intended could be accomplished by improving the old tribunals already in existence, and making them more conformable to the spirit of the times and the wants of the country. If, in such a case, it were possible so to improve the old tribunals as to meet the ends which the House had in view, it would have all the advantages attendant upon them which were derived from prescription and name. There already existed in this country an institution called the county court, which was capable of answering many of the objects of the new tribunal. He would propose to improve that court by giving to it a more extensive jurisdiction, and with that view, all that his bill intended was to increase the powers and jurisdiction of the county court. The names of these courts were familiar to the people of this country, and would claim for them a greater influence than if the House were to establish new tribunals. If, moreover, county courts were not specially abolished, they would continue in existence, and there would be two separate jurisdictions. All his bill had proposed to effect was, to increase the amount of causes in the county courts from £2 to £10. He agreed with the learned and hon. member in excluding from the county courts all cognizance of cases of freehold. The county courts were held at fixed periods, and he had specified the smallest number of sessions, which should be held; but with reference to the extent of different counties, there was a great difficulty in introducing any general measure which would suit the circumstances of all counties, and therefore he had given the quarter session the power of dividing large counties into different districts, and of specifying where county courts should be held. The magistrates of the quarter sessions could require the judges of the county courts to hold their sessions more or less frequently, if they thought that necessary. He had allowed by his bill parties having cause of action above £10 to waive their right to the surplus, and to proceed in the county courts for the remainder. He had proposed that both plaintiff and defendant should be examined in open court, and no objection should be made to a witness on the ground of incompetency, leaving his credibility to be judged of by the jury. He had required the trial by jury, but he doubted much the necessity of unanimity in their decisions in these courts. He believed that persons in the county courts at present acting as jurors, decided cases without coming to a unanimous decision. The question then was, whether the majority of the jury should not, in the proposed measure, be made capable of deciding whatever case was brought before them? This was a question for future and grave consideration. If unanimity were to be required on the part of the jury, the right of challenging them should then be allowed, and that was a machinery of rather a cumbrous nature, which he thought it would be well to exclude from such courts. He (Mr. Peel) also proposed to give this court the power to order the defendant, in case the suit was decided against him, to pay the amount awarded, if the court should so think fit, by instalments. He did not propose that in a case where an honest defendant was anxious and willing to pay out of the earnings of his labour, that he should be driven at once to execution, but he would afford him time to satisfy the

demand awarded against him. Another provision he had made was, that in no case should the remedy lie against the person, but against his property, and he proposed that execution against the property should issue in whatever county it might be situated. Nothing could be more simple than the process by which these provisions were to be carried into effect. [Here the right hon gentleman read from the draft of his bill the wording of the plea, which was confined simply to the cause of action, the defendant being limited to a denial of the debt, or a proof of payment.] The fees of court were limited by a table in the Appendix, and a debt of £10 could be recovered, so far as the court was concerned, for the expense of 4s. or 5s. The expenses of witnesses it was impossible to regulate by any such means, and they would remain the same as at present. The greatest difficulty had been, to deal with the courts of exclusive jurisdiction in corporate towns. He had not abolished these, but he had given to the county courts a concurrent jurisdiction, being perfectly sure that the cheaper and better process in the new courts, would induce all persons to resort to them, and that the exclusive courts would die out of themselves. The greatest remaining difficulty was, who should be the judges, and from whom the appointment should proceed; for objections had been made to increasing the patronage of the Crown. If the residence of the judges within their counties were a *sine qua non*, the appointments would be objects of local patronage: but if resident, a lower salary would tempt them to accept office; and the whole object might be effected at a smaller sum than had been imagined, and certainly at much less than £130,000 a year. It was not necessary that the expense should altogether fall upon the Consolidated Fund; for the fees, though not taken by the judges, would form a fund, out of which their salaries might be paid. As to the tenure of office, the question was, whether the Judge should be a local barrister or not? If he were a practising barrister, his practice in the superior courts would give him a knowledge of the daily progress of the law, which is improved as science advances; and to make him acquainted with every improvement must be esteemed a great advantage. Besides, his residence in that seat of law from which its ramifications, as the hon. and learned gentleman had truly stated, extended to all parts of the empire, must also be considered as a circumstance which would entitle him to greater weight in the court in which he presided, than he could otherwise hope to possess. He thought he had now said enough to show that degree of concurrence in the proposition of the hon. and learned gentleman, which would naturally preclude him from any other course than that of voting for his bill. He trusted he might be allowed to consider himself the associate of the hon. and learned gentleman in these reforms, and he accordingly most cheerfully offered him his assistance; and if the hon. and learned gentleman's bill were such as would enable him to dispense with his own, he would most heartily rejoice in such a conclusion of his labours.

Leave was given to bring in the bill.

PARLIAMENTARY REFORM.

MAY 17, 1830.

[The Right Honourable Secretary for the Home Department appeared to night for the first time, in the House, subsequently to his father's death, which had occurred on the 3rd of May].

Mr. E. Davenport, on presenting a petition, signed by 25,000 of the inhabitants of the town of Birmingham, praying for a Reform in the Commons House of Parliament, spoke at considerable length on the subject.

SECRETARY SIR ROBERT PEEL said, that he never was more surprised than by the speech of the hon. member. The hon. gentleman had informed him that he should state, in the course of his speech, on presenting the petition, some facts in opposition to the statements which he (Sir Robert Peel) had made on a former occasion, when he had quoted various facts to show that Birmingham was not in that state of extreme and overwhelming distress, past all hopes of relief, that had been stated on several occasions. The hon. member had been since that time getting information on the spot, and, after all his local enquiries, what refutation had he given to his statements?

He had stated on a former occasion, in reply to the hon. member, that he would allow him to select what indications he pleased of increasing prosperity, and that he would leave the House to judge by the indications selected by him, whether or not Birmingham were in that state of distress described. He had then stated that there was an increased consumption of articles subject to Excise-duties, which argued no distress among the poor. He had also stated, that on all the turnpike roads about Birmingham there was a great increase of tolls, and that on every canal in the neighbourhood of Birmingham, there were proofs of an increased traffic; and the hon. gentleman, leaving his statement as to the roads untouched—leaving unnoticed his proofs of increased consumption—had stated that there was in one single canal a large increase, which he ascribed to other causes than the increase of prosperity, and which, he said, were sufficient to account for the increase of traffic on the canal. But the hon. member had by this confirmed his argument. He had not contradicted by facts, after all his enquiries, one single statement which he (Sir R. Peel) had formerly made to the House, to show that Birmingham was increasing in prosperity. The hon. member proved by his admission, that there was an increase in the prosperity of Birmingham. The only other point to which the hon. gentleman had adverted, was the increase of four-wheeled carriages. The hon. gentleman had found out that the inhabitants of Birmingham had changed their gigs into four-wheeled pony chaises, which accounted, he thought, for the increase of four-wheeled carriages. He had quoted the increase of different kinds of carriages formerly, to show that the middle and lower classes had increased in comforts. Had he referred only to such carriages as were used by the rich, he should have been told that these were the luxuries of the rich, and that the poor were suffering. He had quoted the number of two-wheeled carriages, therefore, as well as the number of four-wheeled ones, because the two-wheeled ones—the gigs—were used by the lower and middle classes, and the increase in them showed that the lower and middle classes had increased their enjoyments—their comforts and luxuries. The hon. gentleman said, that only one four-wheeled carriage had been added to the number in Birmingham for many years. He did not know where the hon. gentleman got his information, but he could assure him that the returns in his possession showed a considerably larger increase. As he wished to quote no returns not in the possession of every hon. member, if the hon. member would move for those in his possession he would second his motion.

Mr. E. Davenport said, he would save him the trouble.

Sir Robert Peel said, he did not want to be saved the trouble. He wanted the hon. member, and all other hon. members who complained of the effects of that bill which bore his name, and who continually stated that it had been productive of evil to the country—he wanted those hon. members to hear the facts which disproved their assertions. He had stated on a former occasion, that the number both of two-wheeled and four-wheeled carriages had increased in Birmingham; and he had quoted that increase to show that the people had increased in comforts and luxuries, which he took to be an indication of increasing prosperity. In order to obtain the information, he had applied to the Excise and to the Tax-office, and had required as full and accurate a return as possible of all the carriages that paid taxes. There could be no higher authority than the returns of the Excise and Tax-offices; and if their accounts of the number of four and two-wheeled carriages showed an increase in them, what better proof could be obtained of the increasing prosperity of Birmingham? He had not rested his proofs, however, on this alone. He was willing to admit that an increased revenue raised from the people, by an increase of taxation, was no proof of their increasing prosperity. But when he found, though the rate of taxation was not increased, though it was even diminished, that the revenue increased, was not that a proof that the people possessed an increased means of consumption—that they actually consumed more, and were increasing in comfort? The hon. member stated, that there was only one additional four-wheeled carriage in Birmingham for ten years: but this was a mistake; and he wished that the returns he quoted were on the table of the House, that every member might correct him if he made a misstatement. In 1819, then, the number of four-wheeled carriages in Birmingham was 38; in 1820, 38; in 1821, 38; in 1822, 44; in 1823, 55; in 1824, 68; in 1825, 94; in 1826, 106; in

1827, 137; in 1828, 157. Thus, since 1819, when the bill was passed, which the hon. gentleman said had ruined Birmingham—which the petitioners said had involved that town in bankruptcy, and made it unable to pay rates and taxes—[Mr. E. Davenport was understood to deny this. Sir Robert Peel said he had taken down the words of the petition]—this Birmingham, which had been ruined by the bill of 1819, had then only thirty-eight carriages, and in 1828 it had no less than 157. But the hon. gentleman accounted for this by saying, that the people had converted all their gigs into four-wheeled pony chaises; that all the people who had kept a taxed cart and one horse, had changed their vehicles for a pony chaise. Now, if the hon. member's statement were true, there ought to have been a great reduction of the number of two-wheeled carriages; that was the way the hon. gentleman accounted for the increase of the four-wheeled carriages. But if the gigs had been so converted, the two-wheeled carriages must be put an end to; but the returns by no means bore out the statement of the hon. gentleman. It appeared by them that the number of these vehicles in Birmingham, in 1819, was 301, and that from that time they had increased in regular progression, up to 1828, when they amounted to 470. The hon. member stated that Birmingham was in such a state of distress that it could not pay rates and taxes; but he had no hesitation in saying that Birmingham paid its taxes and rates as well now as at any period. [Mr. E. Davenport was understood again to dissent from the statement about the taxes and rates.] It was said (continued Sir R. Peel) that by the bill of 1819, Birmingham had been so much reduced, the hon. gentleman had said it, that prices had been reduced 56 per cent, while the burden of taxation had been increased beyond the power of the people to pay to the same amount. The hon. member stated as a consequence of that bill, that the inhabitants could not pay their rates and taxes; but he should be able to show that the rates and taxes were never levied there with greater ease than at present. He had a return of the arrears of rates at different years; from which it appeared, that those arrears amounted, in 1818, to £3,904; in 1820, to £8,571; and in 1829, to £1,031. He had a similar return also, as to the arrears of taxes, which he would read to the House.—In the year 1819, the amount of taxes assessed on Birmingham for the half-year ending on the 5th of April, was £18,000; of these taxes the amount paid was only £7,000, while the arrears were £11,000. In the year 1821, the arrears were £10,324. In the year 1823 they were £7,899; and in 1825, the year of prosperity, be it recollected, the arrears were £5,748. In 1828 they had fallen to £1,734, and last year they were only £2,522. Indeed, he believed that there never had been less distress at any period in Birmingham than at the present moment. The hon. member had formerly stated, that the consumption of butchers' meat in Birmingham had decreased one third; he knew not from what sources the hon. gentleman derived his information on that subject; but he was certain that the statement of the consumption of meat being one third less than it had been was not supported by the fact. To show that the condition of the working classes was not deteriorated, he would advert to the returns connected with the savings' bank. The total amount of money deposited there was about £50,000, and the total number of accounts actually opened was 3,547. In the last month the amount of money taken out was £1,252, and the amount paid in, £2,403, leaving a balance of £1,150, money paid into the savings' bank. But this was not all. The payments of every kind on every article of taxation had received a sensible increase. The taxes had increased on windows, on houses, on servants, on horses, on carriages, and on dogs, indeed on every article of luxury, enjoyment, or necessity, except two, and he would give the hon. member the full benefit to be derived from them: they were the taxes on horse-dealers and hair-powder. He thought it unnecessary to pursue this subject further. The hon. member had not been able to impugn any of the statements he had formerly put forth; and having, therefore, shown that the situation of the population of Birmingham was not such as he represented, he should not trouble the House with any further details.

The petition was ordered to be printed.

REMOVAL OF JEWISH DISABILITIES.

MAY, 17, 1830.

In the debate which took place on Mr. Robert Grant's motion, for the second reading of the Jews' Relief Bill,—

SIR ROBERT PEEL spoke as follows:—I shall endeavour, Sir, to condense into the shortest possible compass what I have to say on the present occasion. As I had not the advantage of being here on the former discussion, I hope the House will bear with me should I trouble them with any thing that they may have heard before. I must set out by saying, that I cannot support this bill. I do not admit the principle of the bill, nor can I help objecting to the mode in which it is sought to establish that principle. The bill professes to limit itself to giving relief from all civil disabilities to all the Jewish subjects of his majesty; but that is not the sole object to which the bill is limited. I will not say that it is a bill for unchristianizing the legislature, but I will say that one of the unavoidable consequences of this measure will be, that every one of the forms and ceremonies which give us assurance of Christianity must be abolished. I take it that it follows as a legitimate consequence of this measure—that every man, to whatever sect or persuasion he may belong, will be entitled to prescribe the form of affirmation by which he may give assurance to the state of his fidelity. The session before the last we were called on to give our support to a measure for the relief of the Protestant Dissenters; and last session we passed a bill for the relief of his majesty's Roman Catholic subjects; therefore it is said that we are bound, in consistency, to follow up those measures by adopting the present measure. I hear this with regret, because I hear it for the first time. In the discussions respecting either the Catholics or the Protestant Dissenters, nothing of the sort was ever intimated; it was never stated to us that because we admitted our fellow Christians to a participation of power, that therefore, as an unavoidable and necessary consequence, we were bound to admit to all the privileges of the constitution men who reject Christianity altogether. Some most forcible appeals were made to us on the ground of the common Christianity of the parties applying for relief. In the speeches of Burke, and in his recorded sentiments, as contained in his writings, we learn that he rested his strongest arguments in favour of concession to the Roman Catholics upon the Christianity of that body; so of Mr. Grattan, of Mr. Canning, and of all the great and eminent advocates of that cause; even my right hon. friend on my left, in pressing their claims upon the attention of the House last session, observed, that “when serving with Protestants in the army, they entered together the same breach, they fought together on the same field, reposed together in the same grave, and rested their hopes of future happiness upon the merits of a common Redeemer”—those appeals were forcibly made, and successfully made; for it was not to be denied that Protestants and Catholics admitted the same great doctrines of Christianity. But if this bill pass, though it may apparently be limited to the Jews, and though, confining our view solely to this bill, it does not go beyond that class of men; yet we shall, if this be agreed to, have to pass other bills most objectionable in my views of the constitution. It is perfectly obvious that if we pass this bill, it follows as a necessary consequence, that every form of oath which requires a profession of the Christian faith must be abandoned. Now, this is a most important alteration in the usages of this country. Before Catholics and Protestant Dissenters were excluded, there was still a necessity for all public functionaries to profess Christianity; from the earliest period a belief in Christianity was required as necessary to official appointments or to seats in parliament. No person who rejected Christianity could obtain office; therefore, from the first, our constitution was, to say the least of it, Christian. Here, then, we have an evident and palpable departure from the principles of the constitution, as admitted and recognised in the earliest periods; and where is the urgency of this vast change? What is it that requires this departure from the first principles of our constitution? What is the case made out respecting the Jews? It would seem—I take my information from a book which, I understand, is written by a very respectable Jew, and is considered a work of authority—that there are resident in the united kingdom about 27,000 Jews, natural-born subjects of his majesty, of whom 20,000 are resident in London, 7,000 Jews in the other parts

of the kingdom; and for these 27,000 or 30,000 individuals I am invited to depart from the principle which has been acted on from the earliest period of the constitution. I am told the Jew is degraded by his exclusion—he is not excluded in the same manner that the Catholic and the Dissenter were—he is not excluded by any thing in the nature of a taunt upon his form or profession of faith. The Jew is excluded merely because the legislature requires, as the great principle of civil government, that all persons admitted to office should acknowledge the fundamental truths of the Christian religion. The Jew is not a degraded subject of the state; he is rather regarded in the light of an alien—he is excluded because he will not amalgamate with us in any of his usages or habits—he is regarded as a foreigner. In the history of the Jews, their domestic usages, their institutions respecting marriage, and in a variety of other points, we find enough to account for the prejudice which exists against them. We find them in the possession of political privileges in France, in the Netherlands, and in the United States of America—in the last during a period of forty years, and in the two former during the last fifteen years, and only two Jews have in that time been admitted to political offices [*hear*]. I think I understand that cheer. I understand it to mean, that, since so few have been admitted, there is no danger in admitting the English Jews to political power. Now the inference I draw from it is, that if the Jews expect to derive so little advantage from the removal of disabilities, the practical benefit to them must be very small; and for such a trifle are we to depart from what has formed for centuries one of the fundamental principles of the British constitution? Does the House suppose that the people of England are indifferent because no petitions have been laid upon the table of this House? On the contrary, I will venture to affirm, that the sense of the people of England is opposed to concessions of this nature, and I will venture to predict that the result will prove that affirmation to be well founded. If the House is prepared to lay it down as a principle that Deists, Atheists, and other infidels may hold the highest offices of the state, and possess seats in the legislature, then you must be prepared to revolt the feelings of the country. For fifteen years, in France and the Netherlands, have they been entitled to all privileges, and during forty years have they possessed those advantages in the United States; yet during the whole of those periods not one of them has obtained a seat in the legislatures of those countries, only one has been appointed to a high situation at Amsterdam, and one has been made mayor of New York; and that convinces me that the exclusion of Jews does not arise from their political incapacities, but from their own peculiar institutions and usages. So much for the principle of the measure. The mode in which it is proposed to carry it into effect I look upon as equally objectionable. Its advocates propose to abolish all disabilities on account of religious opinions. The hon. member for Clare would have every man allowed to worship God as he might think proper; but if the present bill be passed, it will not be necessary for a man to worship God at all. The Deist and the avowed infidel are admitted into parliament under this bill. From its provisions this principle necessarily flows, that political power is, and ought to be, unconnected with religious belief—that, I take it, is a legitimate consequence of its enactment. Now, if that be intended, why not avow it at once and for ever? Does any man in this House suppose that this is the last bill which will be passed upon this matter of religious freedom, as it is called? There are at the present moment three great classes of his Majesty's subjects eligible to high political office and to seats in parliament; but they are all required to be Christians; these are the Protestant Dissenters, the Roman Catholics, and the members of the Church of England—and now we are called on to admit the Jews: but are there no Christians excluded? What becomes of the Quakers? Why is not a bill brought in for their admission also? [*hear*] I again hail those cheers—if the Jew be admitted, there is not a doubt that the Quaker is equally well entitled. Why not one as well as the other? Are you afraid of the consequences? [*No, no, no.*] Observe the admission—if this bill be allowed to pass, other bills, *à fortiori*, must pass. Is it wise, then, to disturb yearly the religious feelings of the people of this country by separate bills for the relief of the several classes of his Majesty's subjects from the disabilities which from the earliest period the constitution imposed upon them? If the measure be right, establish it fully and for all, and let us not have a bill one year for one set of men, and another year for another. I know of no tenet of Quakerism which ought

to exclude Quakers from the enjoyment of political power if the Jews are to be admitted. It is said that the relief of the Catholics placed the Jews in a worse situation than before—that the more the space was narrowed the greater was the suffering—to speak mathematically, the intensity of the suffering varied inversely with the space operated on. But I repeat, that if the Jews are entitled to this relief, so are the Quakers—so are the Separatists. On these grounds, then, Sir, I am not prepared to admit the principle, and I object to the mode of giving effect to the bill; and I confess I do so with much regret. There is nothing in the conduct of the Jews themselves which ought to create the slightest prejudice against them. The upper classes of that people are eminent for charity and sympathy with the sufferings of their fellow men, and the lower classes are not marked by any vices beyond what is common amongst persons in that rank of life. I, therefore, cannot but feel the necessity of opposition as most painful; but there has been no case of practical oppression shown, to call on us to give them relief. So far as landed estates are concerned, I see no objection to the Jews being empowered to hold them; my own opinion is, that they can do so already; but in that I, of course, submit to higher authority than my own; but my own opinion is, that it requires no new law to enable them to hold estates in land. At an early period, eleven learned judges gave it as their opinion, that Jews, being native born, are capable of holding land. But if there be doubts on the subject, I shall not object to a bill to grant them relief. The late Lord Ellenborough contented himself with such a title as a Jew could make to land; he purchased an estate of Mr. Goldschmidt, and after that I think we need have little doubt that Jews may hold land and can make good titles. With respect to the present bill, I think it cannot be so amended as to meet my views, and therefore I say, unhesitatingly, that I must oppose it; foreseeing its consequences, I cannot give it my support.

On a division, the motion for the second reading of the bill was negatived by 228 against 165; majority, 63.

ENGLISH IN ALGIERS.

MAY 20, 1830.

Sir Robert Wilson said he would ask a question of the right hon. Secretary for the Home Department. It was understood that a frigate had been some time since despatched to Algiers, with a view of removing from that city the British consul and all other British subjects resident there. When, however, the frigate arrived off the coast, the commander of the French blockading squadron, it was said, prevented the vessel from approaching Algiers, and she was obliged to proceed to Malta. Now, he asked if any mode had been adopted to carry the original intention of Government into effect, or whether the French admiral, having sent the frigate away, had taken any measure to secure the safety of those persons?

SIR ROBERT PEEL said, he could give the hon. and gallant member a very satisfactory answer. It was well known that a blockade of Algiers had for some time been undertaken by a French squadron; and when it became notorious that France was fitting out a very considerable expedition against that place, the British government thought it right to despatch a frigate to remove the wives and children of British subjects from Algiers, in order that they might not be present during the siege. The British frigate arrived there, and took on board all the women and children, except the wife of the consul, who was unable to leave the place in consequence of illness, and could not, therefore, take advantage of the opportunity. On leaving Algiers a communication took place between the captain of the British ship of war, and the officer who had the chief command of the French blockade flotilla. That individual intimated a doubt to the commander of the British frigate, whether he could, consistently with his instructions, permit him to return to take away the wife of the British consul; but he said that he would state the circumstance to his admiral, and ask his orders. The instructions, in all cases of blockade, were, he believed, the same; but it was customary to admit exceptions in the case of packets, and certain ships of friendly nations. Previously, however, to the French admiral giving his opinion on the subject, the French government itself heard of the circum-

stance, and immediately interfered. There was no necessity for making any further application, as the French government stated at once that the officer had misconstrued his instructions, and that there was not the least intention of interrupting the usual system which prevailed between friendly nations. Even before the British government had sent the ship of war to remove the women and children to this country, the French government had taken measures to secure the safety of all Europeans in Algiers.

Sir. R. Wilson said, he was perfectly gratified and delighted with the statement of the right hon. secretary.

MEXICO.

MAY 20, 1830.

Mr. Huskisson having brought up a petition from the merchants of Liverpool, relating to their commercial intercourse with Mexico,—

SIR ROBERT PEEL said, he felt that he should not only be excused, but that he should stand justified, if he abstained from entering into the discussion of any of those important points upon which his right hon. friend had touched. He did not quarrel with the introduction of those points by his right hon. friend in the speech he had just delivered. His objection to enter upon the discussion of them was founded on higher grounds. He stood there in a position different from that of his right hon. friend. His right hon. friend had very justly observed, that he spoke there as an individual member of that House. The government, consequently, were not responsible for the opinions expressed, or the doctrines laid down, by his right hon. friend. This, however, was not the place in which he (Sir R. Peel) as a minister, ought to enter into a discussion of the future policy of the country. Neither should he be justified in going into those questions of national rights upon which his right hon. friend had touched; for though these were apparently of an abstract nature, yet his right hon. friend had given them a practical application. He felt, therefore, that duty imposed silence upon him with regard to these topics. Upon one point only of his right hon. friend's speech did he feel himself at liberty to say any thing. His right hon. friend had insisted on two things; first, he had said that England had imposed upon itself an obligation to protect Mexico and Colombia from any attack on the part of Spain from the island of Cuba; and that England had contracted this obligation in consequence of past transactions, but especially in consequence of an interdict which she had laid upon these provinces, forbidding them, it was said, from making an attack on Cuba. Secondly, his right hon. friend had laid down, that England, in conjunction with the other powers, had a right to prevent Spain from continuing hostilities against Mexico and Colombia. On the latter point he felt it his duty to abstain from discussion, because it would lead him into the future policy of this country. With respect to the first point, he must preface what he had to say by the expression of the regret he felt that any misunderstanding should have gone abroad on a subject of so much importance. The question was simply this—whether any such interdict had been laid by this country on Mexico and Colombia as ought to call upon us to prevent an expedition against those provinces, on the part of Spain, from Cuba. It was with surprise that he heard his right hon. friend say, that there had been such an interdict; for the language of Mr. Canning, both in that house, in the cabinet, and in his despatches, was, that England would maintain a strict neutrality in the contest between Spain and her colonies. Mr. Canning had indeed said, that this country deplored the continuance of those hostilities; but he had, at the same time, invariably said England would preserve a strict neutrality in the contest. Now, he was bound to admit that if this country had interdicted Mexico and Colombia from attacking Cuba, or that if it had prevented such an attack by remonstrances, which amounted to an interdict, then in such a case we should have departed from that strict and impartial neutrality which was invariably professed by Mr. Canning. With this view, the propriety of which he presumed no one would be found to question, he could not help feeling that the character of that distinguished statesman was deeply involved in the solution of the question; and the House therefore, he was sure, would think him justified in

going into some details, for the purpose of removing the misconception which had unhappily gone abroad respecting this affair. In the first place, then, he was prepared to deny the existence of any such interdict, or of remonstrances which would amount to an interdict. There was no written record, as his right hon. friend admitted, of any thing of the kind; and this, if such interdict or remonstrances had been made, was at once against the established usage of the office, and at total variance with the custom of Mr. Canning, who was no less remarkable for punctuality in the business of his office, than he was for brilliancy of eloquence and cogency of reasoning in the discharge of his duties in that House. The absence, then, of any written record was the first ground on which he denied that there had been any such interdict or remonstrance. In the next place, if there had been such an interdict, it was certain that it was never issued at the instance of Spain. Spain certainly was never aware of the obligation she would have owed to us for such an interference on our part. If such an interference had taken place, it was not probable that Mr. Canning would have suffered Spain to remain in ignorance of it; but there was nothing in the communications with that country to warrant the belief that Spain was ever informed that any thing of the kind took place. He was not discussing the point as to what course ought to have been taken, or what we did take, but whether, even if we had taken that course, so far as to advise the governments of Mexico and Colombia, it would have entailed upon us the moral obligation to make a defensive alliance with those powers now, to prevent any attack by Spain from Cuba upon them. It was true that in 1820 the government of the United States did advise the governments of Colombia and Mexico to abstain from any attack on Cuba, on the ground that Russia was disposed to offer her mediation with Spain. On the 20th of December, 1820, Mr. Clay wrote to Mr. Salassa, the minister of Colombia at Washington, informing him of the proposed mediation of the Russia between Spain and her colonies; and, alluding to an expedition which he understood to be then in preparation at Carthagena, destined against Cuba or Porto Rico, he mentioned that the abstaining from sending such an expedition would have a salutary influence in that mediation; he hoped, therefore, that the government of Colombia would see the importance of abstaining from the intended attack. Now surely it would not be contended, that if Colombia had acted upon that advice, the United States would have thereby contracted an obligation to make a defensive alliance with it against any attack from Cuba. The answer of Mr. Salassa to that communication was important: he said, that as to the wish of the United States for suspending any attack about to be made by Colombia on Cuba, he would lose no time in communicating it to his government; but at the same time he felt it necessary to state, that neither by official communication, nor otherwise, had he any information that such an attack was intended. He believed the report to be rather the result of conjecture, founded, probably, upon the fitness of the time and opportunity for making such an attack. He added, that this government wanted not the opportunity, for that such an attack would, no doubt, be very desirable to many of the inhabitants of Cuba itself. But in the whole of this communication he never once mentioned England, or that any wish had been expressed on her part that such an attack should not take place. There must, then, he conceived, be some mistake on the part of his hon. and gallant friend (Sir Robert Wilson) on the point as to the advice of Mr. Canning. ["No, no," from Sir R. Wilson.] It was certain, however, that he could find no trace of any such advice having been given, and he was in the ministry at the time. The second point to which he wished to call the attention of the House was, that Spain had no notice of the interference, nor was in any way aware of the obligation she was under to this country on that account—an obligation which, as he had observed, Mr. Canning would not have lost the opportunity of letting Spain know that she owed us. This fact was of itself a strong one against the probability that any advice had been given, or request made, on the part of the government of this country; but he held in his hand a document which he thought afforded conclusive proof of the accuracy of his view of the case. He knew it was not the practice to introduce official documents of this kind in discussions in the House; but the nature of the present case, referring in a great degree to the character of Mr. Canning, would justify this departure from the ordinary practice. The document which he held in his hand was a copy of a despatch from Mr. Canning to Mr.

Dawkins, our minister, who was proceeding to the congress at Panama. In this despatch, dated March, 1826, Mr. Canning pointed out how earnestly it was desired by the United States, by France, and by this country, that Cuba should remain a colony of Spain; but it was added, that the British government was so far from denying the right of the Mexican state to attack Cuba, as the colony of a country with which she was at war, that we had not even joined the United States of North America in the intimation given to Mexico and Colombia, that the abstaining from such an attack would be desirable, or made any communication which would show that an attack on that island would annoy us. This fact, coupled with the absence of any document of Mr. Canning's in the Foreign Office showing that any formal communication was made to the Mexican government on this subject, was, he thought, conclusive that no such communication was ever made. It was very probable, that in the course of conversation with the Mexican minister, Mr. Canning might have pointed out the danger which would have attended a plan with respect to Cuba, which had for one of its objects the creating an insurrection among the slaves of that island. Mr. Clay himself, it was certain, did point out the impolicy of putting arms into the hands of one part of the population for the destruction of the other, and it was probable that, in conversation with the Mexican minister, Mr. Canning might have expressed his concurrence in that view, and also have pointed out the danger that would arise to Jamaica and others of our West-India colonies, from the example of arming the slaves of Cuba. Such conversation he had no doubt did take place; but there existed no record of any communication of the kind having been made to the Mexican or Colombian government. On the contrary, he appealed to the document which he had just read, to show that, whatever Mr. Canning might have thought on the subject, he had never pledged the authority of this country to any endeavour to prevent war from being carried on against Cuba, though it was probable that he might, in conversation, have expressed an opinion that such an attempt would be by no means desirable. What he had now offered was, he hoped, sufficient to vindicate this country from any moral obligation to defend Mexico from any attack by Spain, through Cuba. At the same time he would admit, that this country was by no means indifferent to the condition of the new states of South America, or had any wish but that they should consolidate their power. We had shown, and France and the United States had shown, that they, that the whole world, had an interest in the tranquillity of those states. He did not know where his right hon. friend had got the information of the intended attempt again to reduce them under the dominion of Spain, but he owned he should regret to hear of any attempt of that kind. He spoke of this, not viewing it as a question of abstract right, but rather as one in which this country would offer her advice, in a tone of friendship to Spain, and he believed that never was there a time when she was more disposed to listen to that advice than at present; and knowing this, we should not discharge our duty towards her as a friendly state, if we did not strenuously recommend that she should not waste the resources she still possessed in a fruitless attempt to reduce those states which were formerly her colonies; and that, if she did not recognise their independence, she should at least cease to carry on a war against them. He would not enter into the question of the right we might have to demand this, for that would be entering into the question of our future policy, upon which he did not think it would be prudent for him to touch in a discussion of this kind; but undoubtedly, in common with every other maritime power, we had an interest in the restoration of tranquillity between the new states of South America and Spain, inasmuch as the continuance of hostilities would keep up those piratical attacks, which were so frequent upon the commerce of all nations in the seas adjoining those states. Spain had, indeed, a strong interest in preventing the loss of her possessions of Cuba and Porto Rico; but beyond these she ought not to look; for there was no doubt that she would never be able to regain those she had lost; and the greatest curse which could fall upon her would be to gain temporary possession of two or three fortified places in those states. The whole of her influence in Europe would be paralysed by her attempts to keep up even a few small places against the will of the people. For the sake of the interest of Spain herself, then, he should regret any attempt of the kind; and he earnestly hoped she would attend to the advice she received this day from England, of whose goodwill she must now

be convinced. Nothing would be more injurious to Spain than such a course. There were examples in her own history, to which his right hon. friend had alluded, which it would be well for her to imitate. In the year 1609 she listened to the friendly advice of other powers, to agree to a truce with the states of the Netherlands, which, though it did not bring about a recognition of their independence immediately, yet eventually led to that, and had the effect, with some slight interruptions, of putting an end to the sanguinary contests which she had carried on against them. This, however, was not the only instance in her history in which she had recognised the principle of friendly mediation; and there was one in which it would have been well for this country if it had taken such mediation and advice in the prudent and friendly spirit in which it was offered. In the contest in which we were engaged with our North American colonies, Spain, in the year 1779, seeing the fruitlessness of the attempts we were making to retain dominion over those colonies against the wishes of their inhabitants, did, as a friendly state, offer her advice, that if we did not choose to recognise the independence of those states, we should at least, as we had suffered considerably in the contest, cease from hostilities,—that a truce should be agreed upon for a time, which, without any compromise of the right of either party at the moment, might lead eventually to an amicable termination of the contest. This advice we rejected, and what did we gain by it? After continuing the contest for a few years, we were obliged to do that which it would have been much better to have done sooner—we recognised the independence of the United States. Spain was now in a situation nearly similar to the situation of England then; and if she rejected the friendly advice which England and other states gave her, she would find that none but baneful consequences would follow. He did hope, however, that she would be induced to listen to the friendly counsel she received, and not waste herself in a fruitless contest, that could never restore her the dominion over her colonies, and would forfeit for her the goodwill of those powers which were now anxious to promote her interests, and effect an accommodation between her and her former colonies. In these few remarks he hoped the House would find a proof that the ministers of this country had not looked with an eye of indifference on the prosperity and political relations of the new States of America. Another, and a very delicate point to which his right hon. friend had called the attention of the House, was the views of the United States towards part of the Mexican territory. He hoped that those states, possessing as they did the freest institutions, which had claimed credit to themselves for being the advocates of freedom every where, would be too generous to take advantage of the weakness of Mexico, and trench upon her independence as a state by the appropriation of any part of her territory. If in the moment of her strength they had by their advice prevented her from attacking Cuba, and now took advantage of her being attacked from that quarter, to prey on her weakness and her distractions, they would be acting inconsistently with their declarations, and doing that which would redound but little to their honour or their character as a free state; but he owned he entertained no suspicions of the kind. He relied with confidence on the statements of the American minister to this country, than whom a more honourable man did not exist, that America had no wish to take advantage of either Mexico or Spain, or to possess herself of any of those portions of territory to which his right hon. friend had alluded. Undoubtedly it would not be consistent with the interests of England that America should make any such addition to her territories, or occupy any part of the Mexican States by settlers or otherwise; but he repeated, he had no suspicion of her disposition to do so. He trusted he had stated sufficient to maintain his chief point—that we were not bound to enter into a defensive alliance with Mexico, to prevent any attack from Spain through Cuba. He would not enter upon the abstract right or policy of this country with respect to any such interference, for the reason he had already assigned; but he must contend, that his right hon. friend had not made out a case to show that we were at all bound to act defensively for Mexico.

In the course of the debate which followed, and during the speech of Mr. Baring, Sir Robert Peel interposed to explain, that the hon. member had misunderstood him. What he said was, that there never was a time when Spain and this country were on more friendly terms than at present. From this circumstance he inferred the greater probability of a satisfactory settlement.

The petition was ordered to be printed.

MILLBANK PENITENTIARY.

MAY 21, 1830.

Mr. G. Dawson having moved, that a sum not exceeding £21,135 be granted to defray the expense of the Penitentiary at Millbank for the year 1830, Mr. Hume objected to the vote, and recommended the subject to the serious consideration of the right hon. the Secretary of State.

SIR ROBERT PEEL, in reply, said, that he rejoiced in the opportunity afforded him by the hon. member, of entering into some explanations on this subject. He confessed he felt as deeply as the hon. member the importance of the subject, not more from the circumstances connected with it to which he had adverted, than from others to which he had not directed his attention. The whole question was so connected with that other most important question—the infliction of secondary punishments—that he really thought it worthy of the strictest investigation; and that investigation he courted, not to relieve himself from any responsibility, but in order that the best information might be obtained respecting the infliction of secondary punishments, and the prevention of offences. He had, indeed, been at all times most anxious to further the admission of strangers and foreigners into all places appropriated to the punishment of offenders; because he thought it of great importance that the country and the government should be able to avail themselves of the information and suggestions which such visits might call forth. The hon. member had put to him a number of questions on the subject of the management of the Penitentiary, as connected with the present system of punishment; and he would answer these questions with all the fairness and candour which the hon. gentleman could desire. The hon. member commenced by asking him to say, if it were his opinion that the advantages of the Penitentiary were not counterbalanced by the expense attendant on its management? Now, certainly, if the question to be agitated at the present moment were—whether or not it would be expedient to expend £500,000 on a building of that description—he confessed he should pause before he gave his assent to it. But the real question to be considered was, whether it must not be more advantageous to avail ourselves of the benefits which the possession of such a building afforded, than to abandon it at once after so great an outlay, which could not be recalled? It ought to be known that the Penitentiary was not in reality governed by the Secretary of State, but by a committee appointed by the Privy Council for the purpose of giving advice to the Secretary of State on every thing connected with the management of prisoners. These gentlemen performed their duty gratuitously, but with great advantage to the country; and although he confessed very candidly that he, at one time, entertained a very strong opinion on the propriety of placing every department connected with the administration of secondary punishments under the immediate control of the Secretary of State, still he had no reason to regret the decision of the committee of the House, which had been appointed at his request to enquire into the subject. The members of that committee were gentlemen, a great majority of whom were not favourable to the government. Mr. H. G. Bennett, who at that time took a prominent part in the discussions of the House, was their chairman; Mr. Hobhouse, and many others of the opposition were among its members; and he was bound to confess that they differed with him on the propriety of placing the Penitentiary under the government of the Secretary of State, and thought it better and more satisfactory that it should continue under the management of a number of gentlemen of high character and experience, such as those who formed the committee. Having said thus much with respect to the management, he would now proceed to notice some of the hon. member's other objections. The hon. member complained of the salary of the superintendent. He differed with him on that point. He believed that some reductions might be made in the general establishment; but when it was considered that the committee acted gratuitously, and that the whole expense of management was the salary of the superintendent, he thought it of great importance that they should have in that office a gentleman of education and character, and of such a situation in life as would be a guarantee for the proper discharge of the very important duties appertaining to his office. The hon. member, however, objected to the establishment altogether. What would he do with it? If

it were offered for sale to the Middlesex magistrates, he apprehended they would give for it but a very small portion of the worth or of the money it had cost. [*Mr. Maberly said, "Give it to them; make them a present of it."*] Now, really considering that the hon. member who made that suggestion was a great economist, it was a little surprising that he should offer to give away a building which cost so much, when they must immediately after erect another of some kind, although perhaps not quite so extensive. They could not transport all who were found guilty of offences, although the propositions of the hon. member for Montrose would go to the extinction of all imprisonment, except for life. There were some classes of offenders who must always be excepted—young females, for instance, who might probably be sentenced for a first offence, and who did not come within the description of hardened criminals. He begged, however, to admit at once, that while he denied the propriety of the hon. member's suggestions on the subject of transportation, he had not the slightest objection to the appointment of a select committee for the purpose of enquiring into the comparative advantages of the convict system, and of transportation. The hon. gentleman said, he would transport all, both young and old; the young to increase the population of the colony, and the old to become young. He would be glad to know, however, what benefit was to be received from transporting offenders of seventy or eighty years of age, or of what advantage they could be to the colonies? He was convinced, that a system of secondary punishment, by compelling convicts, under good discipline, to serve at the public works, was one calculated to prevent crime, and to prove beneficial to the offender, as well as profitable to the country. By a letter from the Navy Board, which he held in his hand, he found that the expense of the convicts in the hulks was £70,500, while the produce of their labour amounted to £67,570; and to this was to be added the labour in the Ordnance Department, which produced £9,092. At Bermuda, too, the labour of the convicts had been found highly productive. The hon. member blamed him, too, for not sending every female offender to the colonies, where they were so much wanted. Now, in order to show how much difference of opinion prevailed on this subject, he begged the hon. member to hear the language applied to a system of transportation of that kind, by Mr. Halford, a gentleman who had lately published a pamphlet on the subject. Mr. Halford there says, he wanted language to express his objections to the monstrous principle which seemed to be adopted by the Secretary of State, in sending out females to the colonies, with a regard to the wants of those colonies rather than to the nature of the crime. He mentioned this, not for the purpose of combating Mr. Halford's arguments, but to show that the situation of a Secretary of State, amidst such conflicting opinions, was not a very agreeable one; for, although he had adopted the practice of sending out a number of female convicts in consequence of overwhelming considerations of morality, repeatedly urged on the Home Office, he was here charged with the crime of defrauding the Penitentiary in order to increase the number of female convicts. It was obvious, however, that New South Wales had long outgrown all the objects for which it was chosen as a place of transportation—for if young and active profligates were to have the assurance that they could support themselves in ease and comfort the moment they were sent out of this country at an expense of £30 or £40 to the government, transportation became an object to be coveted rather than avoided. It was, indeed, in the contemplation of the government to endeavour to make the punishment of transportation, when had recourse to, much more severe than at present, not only as a punishment, but as an effectual preventive of crime. In England transportation was not much dreaded: in Ireland it was. The inhabitants of that country seemed to have a peculiar dislike to be separated from their country and their kindred. In all agricultural countries this feeling seemed also to prevail; but in England the people of large towns were little affected at the prospect of being sent to a distant colony, and the change of scenery appeared rather to possess attractions for them. It was for this reason that he thought the infliction of secondary punishments at home was preferable to transportation to New South Wales. But then the hon. member recommended the selection of new colonies for that purpose. If the government were to adopt that recommendation, it was much to be feared that the hon. gentleman would not be much satisfied with it on the score of economy. If convicts were sent to a colony there must be labour for them, or the

object of transportation would be lost. When, however, this difficulty was surmounted, the necessity of providing a surgeon, a chaplain, a guard, and all the other requisites for the settlement, would lead to an expense which the hon. member would not be prepared for. The cost of the establishment at New South Wales had taught them the danger of embarking in plans of that kind. Bermuda, however, was admirably calculated for all the purposes of transportation. There labour was needed, and by a judicious system it was supplied in abundance, and he believed there were now above 1,200 convicts employed in the works. In other places—in Canada for instance—the same facilities were not afforded for that purpose, because, if the convicts were to be moved from place to place, they must have a guard of some strength to accompany them, and buildings must be provided for their reception. He mentioned these things, not to prevent enquiry, but to encourage it. He thought the subject one of great importance, well deserving the most serious investigation. He knew that many different opinions were entertained respecting it; but he stated his opinion, that the labour of the hulks was the most economical method of disposing of the time of the convicts, and that it deserved encouragement. He repeated, however, his former declaration, that if the House were of opinion that a sufficient time had elapsed since the last enquiry, and that the state of New South Wales was so much altered as to render it inexpedient to make it longer a place of transportation, although he did not by any means wish to relieve himself from the responsibility of his situation, yet he should feel glad to see the whole of the subject thoroughly investigated by a select committee.

Colonel Davies, having commenced by saying that the right hon. gentleman had changed his opinions on this subject, because he had formerly rejected all enquiry into the general management of county penitentiaries—

Sir R. Peel denied that he had expressed any opinion with respect to them now, and observed that any meddling with the management of county jails by the local magistracy, after the counties had been persuaded to expend £20,000 or £30,000 in their erection, would be calculated to destroy all confidence in the government.

Sir Robert Peel, in reply to some remarks by Mr. Maberly, said, there was no analogy between the situation of a colonel in the army and the governor of a prison; he had experienced great difficulty in getting a gentleman of the attainments and character he deemed necessary, to fill the situation.

The vote was ultimately agreed to.

THE KING'S ILLNESS—MESSAGE FROM THE THRONE.

MAY 24, 1830.

SIR ROBERT PEELE brought up the following Message from His Majesty, which was read by the Speaker:—

“GEORGE R.

“His Majesty thinks it necessary to inform the House that he is labouring under a severe indisposition, which renders it inconvenient and painful to his Majesty to sign, with his own hand, the public instruments which require the sign-manual.

“His Majesty relies on the dutiful attachment of Parliament to consider, without delay, the means by which his Majesty may be enabled to provide for the temporary discharge of this important function of the Crown, without detriment to the public service.”

Sir Robert Peel then said: I am confident that I shall be acting in concurrence with the unanimous feeling of the House, if I proceed immediately to move an Address, expressive of the deep regret of his Majesty's faithful Commons at the intelligence just communicated, respecting the indisposition under which his Majesty is labouring, and conveying to the foot of the Throne the earnest prayer of the House of Commons, that his Majesty may be speedily restored to health. The address I shall propose will, in addition, merely pledge the House to take into consideration, with the least practicable delay, the means which may enable his Majesty to pro-

vide for the attachment of the royal signature to the public instruments that require it. Perhaps it may be convenient to state, that the bill for effecting the object in view will originate in the House of Lords, and it will therefore not be necessary to move immediately that the message be taken into consideration. I beg to move, "That an Address be presented to his Majesty, to return the thanks of this House for his most gracious message—to assure his Majesty that his faithful Commons have heard with the deepest regret that his Majesty is labouring under severe indisposition, and that they earnestly pray, under the favour of Divine Providence, that his Majesty may be speedily restored to health—to assure his Majesty that this House will, with the least practicable delay, proceed to the consideration of such measures as may enable his Majesty to provide for the temporary discharge of that important function of the Crown referred to in his Majesty's most gracious message."

Mr. Brougham seconded the motion, and the address was agreed to, *nem. con.*

AFFAIRS OF GREECE.

MAY 24, 1830.

SIR ROBERT PEEL brought up and laid upon the table, by command of his Majesty, papers relating to Greece. In moving (he said) that they do lie upon the table, I feel it my duty, as the House has had no opportunity of becoming acquainted with the contents of the papers, not only to abstain from any discussion upon them, but from all reference to them. It may be convenient, however, to state shortly what are the transactions to which they refer. They may be divided under three heads: First, Protocols from the date of the signature of the treaty between this country, France, and Russia, on the 6th of July, 1827, to the 14th of the present month: Second, Protocols of conferences which took place at Constantinople, between the ministers of the Allied Powers and the Porte, from the period of the signature of the treaty, to that of the departure of the ministers of the Allied Powers from the Turkish capital: and Third, documents relating to three transactions, not immediately connected with the execution of the treaty, but still growing out of it, and which parliament expressed a desire to have an opportunity of inspecting. Those three transactions are—The convention concluded at Alexandria by Sir E. Codrington, for the evacuation of the Morea; papers relating to the blockade of the Dardanelles by Russia, and to the circumstances connected with it; and documents regarding the raising of the Greek blockade at Patras and other places. I feel it my duty also to state, that the expectations entertained by his Majesty's government, that his Royal Highness Prince Leopold would become the sovereign of Greece, have been disappointed, and that he has signified to his Majesty's government his determination to relinquish the trust he had undertaken. All the papers connected with the acceptance of the trust, and with its resignation, will be presented to the House in the course of a few days; and, until the House is in possession of the requisite information, it will be much better for me to abstain from making any observations.

After some observations from Mr. Brougham, Mr. Hume, and Lord John Russell,—

Sir Robert Peel said, he laid the documents on the table of the House, and in doing so he conceived it was proper to state what they were, but strictly to avoid any comments upon them until they should be in the hands of hon. members. He thought he was bound to observe that course in fairness to the House, and to the parties interested, he being now acquainted with their contents, and other hon. members not having that advantage. As to the questions which had been asked, he should willingly reply to them, but in doing so he wished to avoid all discussion. In answer to the question of the hon. member for Aberdeen, he had to state, that full information would be found in those papers respecting the pecuniary engagements of this country, arising out of the negotiations to which the papers he had just laid upon the table of the House referred. The noble lord opposite enquired whether differences respecting loans, or a disagreement relative to the proposed territorial limits of Greece, formed the grounds on which the negotiations were broken off? On a former occasion he stated, that all the great points had been settled, which, up to that time, had been raised between the Allies and Prince Leopold.

He understood since, however, that points of difference arose which were of a pecuniary nature. The Prince's resignation, however, was also connected with other questions. The House, he repeated, would be in possession of the papers within four-and-twenty hours, and then, but not until then, he should consider that they were in a condition to discuss the question.

Mr. Agar Ellis was desirous of knowing whether it were information recently received from Greece that decided Prince Leopold in breaking off those negotiations?

Sir Robert Peel said, that in the communications between Prince Leopold and his Majesty's government, his Royal Highness stated, that in despatches received from Greece, he certainly had received information which had decided his conduct on the matter of his resignation.

Mr. Brougham, adverting to what fell from his noble friend behind him, in which the resignation of Prince Leopold was spoken of as "unfortunate," confessed that he considered it as any thing but unfortunate. He should rejoice in any thing calculated to promote the honour and glory of that illustrious personage, but he could not help considering it an excellent thing that his resignation enabled this country to avoid the entanglement which the acceptance of that sovereignty might eventually have brought about.

Sir Robert Peel again recommended the postponement of any further discussion until hon. members were in possession of the papers.

Lord John Russell explained—he used the term "unfortunate" in the usual way in which that term was applied to negotiations terminating unsuccessfully.

MEXICO.

MAY 24, 1830.

The Chancellor of the Exchequer having moved the order of the day for the House to resolve itself into a Committee of Supply, Sir Robert Wilson rose to call the attention of the right hon. baronet (Sir Robert Peel) to the important subject on which a petition had been presented to the House on the 20th instant, and which concerned the credit, the interest, and the prosperity of the country—the Petition from the Merchants of Liverpool relating to Mexico.

SIR ROBERT PEEL, in reply, said he was sorry that his hon. friend had renewed the discussion on this subject, and he was confident that the hon. member and the representatives of the states of Mexico and Colombia were not consulting the true interests of those countries, by wishing to fasten on England an engagement to enter into a defensive alliance with them against Spain; an alliance which no minister of this country ever contemplated, and which, he repeated, it was injurious to the interests of those states for their representatives to insist on, through any construction put on the correspondence of Mr. Canning. There never, indeed, was any thing clearer than that Mr. Canning had not by any language in any public document, interdicted Mexico and Colombia from the fair aggression of belligerents against Spain, and that he had not entered into any obligation, either formal or moral, to assist those states against Spain in consequence of their refraining from their contemplated attack on Cuba. What, however, had his hon. friend done? He had produced no authenticated document from the Foreign Office—no paper bearing the signature of Mr. Canning; but he had read to the House the memoranda of a series of conversations which the Mexican and Colombian ministers are said to have had with Mr. Canning; but memoranda of conversations which that minister never saw, and which he had not, by his signature, acknowledged to be genuine. The hon. member, however, said, that the reason why these documents were not to be found in the Foreign Office arose from the circumstance of the ministers of the new states not being at that time formally received in this country, or acknowledged by the ministers of foreign affairs. Whether, however, they were ministers or agents, there could not be the slightest doubt, that if any such admission as that attributed to Mr. Canning had been made in these conferences, some notice of it would have been found in the Foreign Office; and, had any such document been found, its validity would have been acknowledged, though the ministers of those states were not at the

time recognised. In the discussion on a former evening, he had stated distinctly, that although Mr. Canning declared an invasion of Cuba, in the manner and under the circumstances of that contemplated by Mexico, would be displeasing to Great Britain, still no interdict of any kind whatever had been laid on either Mexico or Colombia from prosecuting the war, if they thought proper. When General Santa Anna had assembled about 700 men in the province of Yucatan and issued his proclamation, this country and the United States of America did protest, as they had a right to do, against the attempt to conquer Cuba through an insurrection of the slaves; but they did not attempt to restrain the fair use of the Mexicans' rights as belligerents, when exercised according to the acknowledged rules of war, against Spain. His hon. friend said, however, that Mr. Canning advised the Mexicans not to invade Cuba. Why, at that time the new States of America were not recognised by this country; but even if they had been, he expressly denied that Mr. Canning adopted any other course than that of expressing the dislike of this country to that mode of warfare which the States seemed disposed to adopt. It was with great reluctance that he referred to any unpublished official documents, but he had already on a former occasion, for the special reasons he had then stated, referred to the letter of Mr. Canning to Mr. Dawkins, to which no answer had been or could be given. Mr. Canning is supposed to have promulgated the interdict in 1824; yet when writing to Mr. Dawkins shortly afterwards (and he would quote the passage at length, to set the question at rest as far as that could be done by Mr. Canning's authority), Mr. Canning said, "You will see how earnestly it is desired by the United States, by France, and by this country, that Cuba should remain a colony of Spain. The British Government, indeed, so far from denying the right of the new States of America to make a hostile attack upon Cuba, whether considered as the possession of a power with whom they are at war, or as an arsenal from which expeditions are fitted out against them, that we have uniformly refused to join with the United States in remonstrating with Mexico and Colombia against the supposed intention, or in intimating that we should feel displeasure at the execution of it." Then followed the passage which he quoted the other night, "We should indeed regret it, but we arrogate to ourselves no right to control the military operations of one belligerent against another." This was the clear and express language of Mr. Canning at the very time when the hon. member supposed he was interdicting the invasion. He would state, also, one other fact, which was convincing on the subject. In the year 1826 Mexico and Colombia, so far from thinking themselves interdicted, actually determined on fitting out an expedition to blockade the Havannah, and it was announced at the same time, that the President of Mexico meditated the collection of a body of troops, to be marched from various places, in order to co-operate with the blockading squadron for the reduction of Cuba. At that time Mr. Canning was informed of the expedition, and the British minister wrote to him, communicating the nature of the expedition, and asking for instructions. In answer to the demand for instructions on those points which were likely to arise with reference to the interests of England, Mr. Canning replied, that it was necessary for the writer to make a division somewhat more distinct than he had made, before he could answer his questions; but not one word was to be found of surprise at the communication, as there naturally would have been had any interdict existed as to the invasion of Cuba. That fact could not, at such a moment, have been passed over in the instructions for the conduct of the British agent, if such an interdict had been ever put forth by Mr. Canning.

Sir R. Wilson said, that the blockade was prevented.

Sir R. Peel—the blockade was prevented by internal dissensions among the states, but not by the interference of England. The right hon. gentleman concluded by repeating his former declarations, that there was no obligation, either moral, or imposed by treaty, on Great Britain, to protect Mexico from attacks on the side of Cuba; and he protested against the reception of unauthorized memoranda of conversations in the discussion of a question of this kind, for the purpose of establishing a claim to a defensive alliance, which never was contemplated by any member of the Government of this country.

Sir R. Wilson intimated an opinion that it was only in March last that Mexico received permission to invade Cuba.

Sir R. Peel repeated, that the South American States knew they were at liberty to do so throughout the whole period, and that in 1826 they showed a disposition to act on that opinion. Some stress had been laid on the supposition that Mr. Canning advised the Mexicans not to invade Cuba. He denied that Mr. Canning did so; but if he had, he (Sir R. Peel) was prepared to contend, that at the time when Mr. Canning was endeavouring to prevail on Spain to recognise these States, he had a perfect right to advise the Mexicans to abstain from offending Spain by an attack on Cuba.

PUNISHMENT OF FORGERY.

MAY 24, 1830.

In a Committee on the Punishment of Forgeries' Bill, Sir James Mackintosh moved, as an amendment upon the original motion, to leave out the words "suffer death" for the crime of Forgery, and to insert in lieu thereof, "transportation beyond the seas, for life, or for fourteen years, or seven years, or imprisonment and hard labour, or solitary confinement, as to the court may seem proper."

On the question being put,

SIR ROBERT PEELE rose and said, that if he had expected, when he came into the House that evening, to find the question of forgery treated as a party question, and as one by which the fate of a ministry might be decided, such an impression would have been removed by the great, not to say lavish, encomiums bestowed on his humble exertions by the right hon. gentleman. But he entered the House with no such impression, knowing, and he rejoiced at it, that the time was at length come when they could consider all the questions connected with the criminal law of the country, as no party questions, nor be liable in discussing them to have their attention diverted from the sound reasons which ought to determine their conduct, and from the interests of those classes for which they were called on to legislate. He wished to defer to the views of the right hon. gentleman and the great body of the petitioners; and if he had been compelled to adopt a conclusion different from theirs, he could assure them that it was after deliberate consideration that he had attained to the honest conclusion, that it would be better to preserve the punishment of death for forgery than abandon it. He had no motives to make him wish to differ from them, and he had no previously-formed theories which he was anxious to support. From the right hon. gentleman's general doctrines respecting the punishment of death he did not dissent: but he wished to state his opinion, with the reasons and the facts on which it had been formed, on the question whether the punishment of death ought to be preserved or abandoned. There were no reasons, that he knew of, nor any circumstances in his situation, why he should not be ready to adopt the views of the right hon. gentleman. By the bill which he had introduced into the House he proposed to meliorate one part of our criminal code, and his course had uniformly been towards the mitigation of its severity. When he came into office seven years before the present period, the criminal law of Great Britain exceeded in severity the criminal codes of every other part of Europe, and he had then thought it ought to be meliorated. He made it, since he had been in office, the great object of his ambition, not to set the example of meliorating this code, but to follow the example previously set by others. He had found, however, that the habits and usages of the country were adapted to and formed on the severity of our code, and he found it necessary to proceed in the mitigation of this severity with great caution. He thought it advantageous to continue the severity of the law in its letter, but gradually to meliorate its practical application. The bills he had introduced into parliament, consolidating the criminal laws, had, in part, abandoned capital punishment; but he looked forward to a time when the criminal law, after the consolidation of its different parts had been carried into effect, should be again brought under consideration. When that was the case, the House might, with propriety, take the question into consideration, whether further mitigation of its severity should not be attempted. In his views he had adopted the recommendation of the committee over which the right hon. gentleman had presided, and had endeavoured first to simplify the law, with a

view to its mitigation afterwards. What he had done to consolidate the law was not to prevent the whole subject being hereafter brought under review; and when the simplification was complete, a further mitigation of its severity might be found expedient. If he resisted, at that time, the proposition to abolish the punishment of death for forgery, he must appeal to the course he had pursued, and to the practical application he had made of the law, to show that he was not attached to that punishment. He had not contented himself with a bare expression of his opinion on this point; he had, by the advice he had given to the crown, carried those opinions into active operation. He found that in the seven years previously to 1822, when he came into office, the number of executions, in England and Wales, was 731, while the number of executions since 1822—that is up to December, 1829—was 433, showing a considerable diminution. The number of executions in London and Middlesex in the former seven years, was 192; in the latter seven years during the period that he had been in office, it was 120, showing a diminution of seventy-two. He was afraid that this diminution could not be laid to the account of the diminution of capital offences, as they had been rather on the increase. Perhaps, indeed, the mitigation of the severity of the laws might have encouraged and facilitated prosecutions, and so more capital crimes had been prosecuted, but he did not believe that the diminution of executions could be accounted for by the diminution of capital offences. He thought that the House, when it took the subject into its serious consideration, would pause before it gave its consent to abolish the punishment of death for forgery; and he wished first to state the reasons, and afterwards the facts, which ought to be well weighed by hon. members before they consented to abolish the capital punishment for this crime. With respect to the crime itself, there were many reasons, such as the magnitude of the gain which might be acquired—the facility of committing the crime, the difficulty of detection, and the temptation to commit it, which marked it with peculiar characteristics, and made it deserving of especial consideration. As an illustration of the magnitude of the sums to be obtained, he would refer to the case of Fauntleroy, the amount of whose forgeries was not less than £353,000. The Bank of England was answerable for forgeries committed by this individual through a series of years, and actually paid a sum of £353,000. Looking to the temptation, he would observe, that it came across a man overwhelmed with distress, who, by the mere presenting a draft at a banker's, might be relieved from his difficulties, and find himself suddenly in the midst of prosperity; and then, if he did succeed, there was the difficulty of detection. In this crime there were none of those revolting circumstances which alarmed mankind. There was no confederacy necessary. The criminal did not need to disclose his guilt to any *particeps criminis*; there was, consequently, an extreme difficulty of detection—the draft was paid by a banker's clerk, who might, perhaps, be induced, in a case of need, to cancel it or to deliver it up. Then the signature might be so well imitated, that no precaution could detect the forgery at the moment. No vigilance, therefore, could guard against it; and when it was once committed there might be no remedy. No receiver, too, was necessary, as in the case of many other crimes; and the property, when once obtained, could not be made evidence against the criminal. But even the crime itself might be committed by an innocent man, and a man ignorant that he was committing a crime. A man presented a draft at a banker's; it was paid, in the hurry of business, over a crowded desk; the person who presented it might not be the forger, but somebody whom he had employed. The real guilty party might escape, if the stake were large enough, to the continent; he might leave the country; but even if he did not do that, the difficulty of detection was very great. It depended obviously on a question of personal identity. The clerk who paid the draft must, in the first instance, recognise the man who presented it; and if he were only some ignorant and innocent agent, he must find out and identify his employer. Thus, it was a question of double identity; and that must be decided, before the guilt could be brought home to any person. When he recollected, therefore, the magnitude of the gain—the great temptation—the difficulty of the detection, that there were no confederates necessary, and no violence to alarm people, as in a burglary or murder; coupling all these circumstances with the large properties concerned, he thought they invested this crime with a peculiar and exclusive character—a character which belonged to no other species of crime against which the legislature had to guard.

Before the House resolved to abolish the punishment of death, the members should be well convinced that they could find a more efficacious punishment, such as that recommended by the right hon. gentleman. The House, before it came to such a resolution, would pause, and it would deliberate long before it adopted the proposition of the right hon. gentleman. He did not by any means undervalue the public sympathy in giving force to laws, or rendering them nugatory; he adverted with all due respect to the opinions of the petitioners, but he did not find them conclusive against his view. The petitioners, generally speaking, were not the persons most interested in the question, though, if he looked only at individual interest, he must be silent. If a regard to that were all the arguments he could urge, he must abandon the defence of the law; but if it could be made out that the apprehension of the punishment of death prevented the commission of the crime—if public morals were protected by the fear of this punishment—if without that punishment there would be a great increase of the offence—if these things could all be made out, then there would be very strong, and indeed very powerful, reasons for maintaining the punishment. If it could be shown that the fear of death did operate to prevent the commission of the crime of forgery, and if property were defended by it—which was not immaterial—he conceived that they would not be justified in abolishing it. If he could also show, that those who petitioned against it were not the parties most interested, he thought the House would have good reasons for withholding its assent to the prayer of their petitions. The chief petitioners in favour of the measure most interested in it were the country and provincial bankers; but the direct and immediate interest they had in it was not to be compared to the interest of the bankers of London. London was the great centre and mart of all money transactions, and very few bills of exchange, drawn or negotiated through the whole country, but found their way to London. The danger of forgery, therefore, was tenfold greater in London than in any other place. Since the abolition of the small notes also, the number of forgeries committed on country bankers had considerably diminished. Forgeries of £5 notes, and of notes to a large amount, had never been so frequent as of the £1 and £2 notes. It might, at first view, appear as easy to obtain £50 or £20 for signing a name as £1 or £2; but it was to be remembered that the large sums caused the notes to be examined. The small notes also were taken by a different class of persons—they were passed among the working classes, who had not time nor skill to examine them or to detect the forgery. Moreover, generally, the £5 notes were made payable in London; and if they were once paid, the London banker was responsible for the sum. As to cheques, which were the great instruments forged, the country bankers hardly used them. They were not acquainted with cheques as they were used by the London bankers. Besides, in their narrow circle, every person who drew cheques was known, and forgery was there much more difficult than in London. He believed that the forgery of a cheque in any provincial town, except Bristol, Liverpool, Manchester, and one or two others, was hardly known. Thus, in estimating the interests of London and country bankers in this question, those of the latter would be found to be comparatively small. The argument in favour of the principle he was opposing was this, and he wished to state it fairly. The severity of the law, it was said, defeats its own object; it prevents prosecutions, it leads, when criminals are prosecuted, to their acquittal; it enlists in their cause the sympathies of juries, and the sympathy of the public, and leaving a prosecutor without hope of obtaining a conviction, gives him an interest in avoiding a prosecution. He admitted the existence of a reluctance to prosecute, but he believed that it was not always wholly dictated by conscientious motives; other motives, mingling with the conscientious motives, did deter people from prosecution. There was the great expense of the prosecution, and the chance of the criminal escaping. When a man had been defrauded of £80 or £200, he did not always see the necessity of expending £80 or £100 more in prosecuting the criminal, without a chance of recovering his property. It might only be regarded, according to a vulgar saying, as throwing good money after bad; and, therefore, prosecutions were abstained from on account of the expense, as well as on account of conscientious motives. To illustrate this he would observe that the country bankers had proposed to the Bank of England, in cases where the forged bills of the latter were paid to the former, to give the Bank of England all the

information in their power if it would prosecute, or even to be at half the expense; but when they found that the bank would do neither they declined to prosecute. He could not allow, therefore, that all the reluctance proceeded from conscientious motives; and he could not admit that, if the law were altered as to severity, that there would be no reluctance to prosecute. He was sorry to fatigue the House with details, but he hoped that the members would give to the following facts their deliberate attention. The argument was, that the reluctance to punish the parties with death prevented individuals from prosecuting and juries from convicting. It was difficult to determine the cases not prosecuted. Individual instances were, no doubt, known, but he hoped the House would not draw a general conclusion from isolated facts. He would compare the cases abandoned by prosecutors, after commencing the prosecution for forgery, with the prosecutions abandoned for some other crimes. Selecting the seven years between 1823 and 1829, inclusive, he had examined the question in reference to six other capital offences; that was, he had taken the charges preferred on six capital offences, and the number of prosecutions abandoned on them. These were murder, burglary, highway-robbery, horse-stealing, sheep-stealing, and offences under Lord Ellenborough's act. On these six capital offences, the number of offences charged in the seven years was 8,392; and of these 1,054 had not been prosecuted, or the abandonment of prosecutions amounted to one-eighth of the whole number of charges. The number of charges of forgery during the same period was 383, and of these fifty-three cases had not been prosecuted. There was, therefore, about one-eighth of the prosecutions for this crime, as of the former class of crimes, abandoned. There was no greater number abandoned in forgery than in murder and other crimes. The acquittals were of more importance, in his view of the matter, than the abandonments of prosecution, for they had in them less of what was vague and uncertain. Taking the capital crimes before mentioned, he found that the number of them charged in the seven years he had already alluded to was 7,328, and of these the convictions were 4,850, so that the proportion of convictions to charges was as two to three. There was one third acquitted. The proportion of acquittals for forgery was not greater. It might be said, indeed, that several of the crimes he had selected—such as sheep-stealing and horse-stealing—were, like forgery, condemned by the general sentiment, and therefore that the acquittals under them would be as numerous as those under the charge of forgery, and from the same cause. To avoid this imputation, he would take the case of murder, and see what proportion the charges and acquittals bore to each other. The charges for murder, in the seven years, were 479, and the convictions were only 99; so that the convictions were to the charges as one to five. There were in the same period 2,760 charges of forgery, and the convictions were 1,790; so that the House would see that the convictions were more numerous in proportion for forgery than for murder. The latter was as five to eight, the former only as one to five. He contended from this view, that the law had not been so inoperative as some hon. members supposed, and that it had, in fact, protected property to a very considerable extent. He thought, therefore, that the punishment of death had checked the crime of forgery, and was thus a protection to public morality. The parties most interested in the question of preventing forgery were the London bankers, and Bank of England, and he would advert to the magnitude of the property they had at stake. He would first take the case of the Bank of England, and the House would see if the punishment of death might not be necessary for the protection of its property. The number of stock accounts, in the Bank of England, was not less than 300,000. It paid in the course of one year, not less than 400,000 drafts, and there were not less than 1,000 transfers of stock made in its books daily. Before they came to any determination on this subject, they ought to look to the state of criminal prosecutions for forgery at the present moment. And first he would beg the House to look at the number of prosecutions instituted by these establishments most exposed to suffer from forgery. The prosecutions, then, of the Bank of England since the withdrawal of the £1 notes, had been gradually on the decline. Bear this in mind, therefore, when the question of altering the law was to be considered, that in an establishment which had 300,000 accounts of stock, which paid 400,000 checks every year, and which had 1,000 transfers of stock every day, there had been only two prosecutions for forgery at the last assizes, while up to the present moment there was not a single prosecution pending

for the next assizes. This was the state of crime, with reference to this great establishment, under the present law of punishing forgery by death. He had felt it his duty to make very minute enquiries with respect to the practical operation of the present system, in the case of the great London bankers, in order that he might come to some positive conclusion whether the infliction of the punishment of death tended to the promotion of morality, or of the reverse. It might be necessary to state, that in London there had been formed, in the year 1825, an association for the purpose of protecting bankers against forgery, by an immediate prosecution of all those accused of that crime. This association was composed of thirty-six of the most eminent London bankers. They have a secretary and a solicitor, and to them, he apprehended, it was the practice to commit the conduct of the prosecution. The members were, of course, bound to communicate any offence in the way of forgery, of which they became cognizant. He believed there were two instances of a departure from that practice. He would not name them; but ordinarily, he understood, it was the practice for the members to communicate to the secretary and solicitor the commission of any forgery which came to their knowledge.

Mr. Martin begged pardon for interrupting the right hon. gentleman; but although he was a member of the association, he never understood that it was binding on them to make any communication to the secretary or solicitor, unless they thought proper to do so.

Sir R. Peel said, he did not wish to mention names, but he had been assured of the fact on very good authority. Returning, however, to this association, he found, by returns which he had received, that at the clearing office of these bankers there were paid, on the 13th, 14th, and 15th of the month of May, bills and checks to the number of 45,800, and the money value of this amazing number of drafts and bills, all of them liable to forgery, amounted to £10,095,000. But this was not all—he found that four of the banking-houses, whose members belonged to the committee, liquidated demands upon paper, and therefore liable to forgery, to the extraordinary amount of £500,000,000 in the year. Now, by the returns from the secretary of the committee of London bankers, he found, that in 1827 there were nineteen forgeries committed, and that the amount of the forgeries was £7,000. In 1828 there were sixteen forgeries, and the amount was £15,000. In 1829 there were twelve forgeries, and the amount was £2,500; and in the present year, up to the latest time at which the return could be made out, there were only four forgeries, and the amount was £658. Coupling, therefore, the fact of there being at the present moment no forgery under prosecution by the Bank of England, and that the prosecutions by this society of the bankers of the metropolis were gradually diminishing, he thought they ought maturely to consider how far the present law had proved sufficient for its end, before they abandoned the infliction of the punishment of death, and substituted for it a secondary punishment, which was expected to operate more effectually to the prevention of crime. He confessed he had not heard from the right hon. gentleman that satisfactory explanation of the nature and effect of secondary punishments which he expected from him with reference to this subject. The men accustomed, as forgers generally were, to all the comforts and many of the luxuries of life, were not likely to be influenced so much by the fear of the punishment of transportation and imprisonment, as of death. They were, by their habits and education, placed in a situation which prohibited the beneficial exercise of the system of secondary punishments. In many cases the government had tried the effect of secondary punishments. It had imprisoned men for seven years, and what was the consequence? Why that the low diet and the languor produced by solitary confinement had given rise to a mortal and infectious disease, which the most eminent physicians ascribed, after the most minute enquiry, to purely moral causes, to the languor of long and solitary confinement, coupled with the prison diet, which, as a fit punishment, was allotted them. It was observed, indeed, by Sir Henry Hallford, when giving his evidence to the committee who sat on this subject, that punishment by solitary confinement and low diet, acted with a double force on those whose previous habits were far removed from such privations. But, in addition to disease, there was another evil to be guarded against. It not unfrequently happened, that the languor of solitary confinement led to some of the most formidable aggravations of insanity. Then came the question of whether this insanity were feigned or real—whether the sufferings

were pretended, or the result of the situation and previous habits of the criminal—so that, under any view of the case, the infliction of long solitary confinement as a secondary punishment, presented numberless difficulties. Then came the question of the infliction of hard labour. Now, with every disposition to make the criminal suffer by the infliction of hard labour, it not unfrequently happened that his previous habits of life precluded the possibility of putting that portion of the sentence in force. It was frequently impossible to inflict such a punishment. But supposing he did send a man of education to the hulks at Deptford or Chatham; after he had been there for two or three years, suffering under the eyes of the public, what security had the executive that the public sympathy would not be as much awakened in his favour, and the public prejudice as much directed against the infliction of hard labour, as it is now against the taking away the life of the offender for the same crime? What certainty had he that the public and prosecutors would not shrink as much from inflicting the punishment of solitary imprisonment or hard labour, as they now do from that of death? The infliction of secondary punishments, such as hard labour, low diet, and solitary confinement, had been tried for ten years, and it had been found impossible to continue it; for the consequence always was, that they were compelled to alter the diet of the prisoners, and to give a kind of nutriment, which, as was observed by an hon. member (Colonel Davies) the other evening, when he had not an opportunity of answering his remarks, rendered the situation of the convict an object of envy to the agricultural labourer, whose honest industry would not procure him any sustenance of the same description. It was said, however, that they might transport offenders of this description to New South Wales, and keep them to hard labour there. Independently of the power which a man of education must always exercise among such persons as he would be compelled to associate with in New South Wales, it was scarcely possible to guard against other peculiarities of the situation of a person committing forgery. A man who was guilty of that crime, seldom or never failed to secure a considerable sum of money. He might even escape discovery long enough to accumulate a very large sum; and it must therefore be taken into calculation, that when detected and subjected to punishment, he might employ a portion of his gains for the purpose of effecting his escape. In truth, if the infliction of secondary punishments, such as imprisonment or confinement to the hulks, were to be had recourse to in such cases, he for one had no confidence in being able to prevent a forger from finding the means of escape. For these reasons, which he had thus candidly avowed, he had no confidence in secondary punishments producing the end all had in view—the prevention of crime—unless they made them so severe that the mind of the prisoner would be affected—the public sympathy awakened for his sufferings, or his constitution prove inadequate to the support of the sentence. On these grounds, therefore, he submitted the question to the impartial and unbiassed decision of the House—premising only that his decided opinion, supported by many years' experience, was in favour of the law as it stood, and expressing, as he did, his conscientious conviction that the adoption of the right hon. gentleman's proposition would not tend to the repression of crime. He must oppose the amendment.

On a division the amendment was negatived by 134 against 118: majority, 16.

THE KING'S ILLNESS—THE SIGN-MANUAL.

MAY 25, 1830.

SIR ROBERT PEEL, in reply to a question from Mr. D. W. Harvey, said, that the hon. member appeared to him to mistake altogether the object of the message of last night. His Majesty was perfectly capable of exercising discretion and deliberation, and the message of last night merely stated that bodily indisposition made it inconvenient and painful for his majesty to sign with his own hand those public instruments which required his sign-manual. No minister would presume to attach his Majesty's signature to any document upon which the pleasure of the Crown had not been taken; much less to an instrument for the removal of a judge. His Majesty's pleasure would be taken upon this, as it was taken upon every other

case; for he had the satisfaction of assuring the House, that his Majesty was at that moment as competent to exercise his mental faculties as he had ever been at any other period of his life.

DRAMATIC CENSORSHIP

MAY 25, 1830.

Mr. Lennard, the hon. member for Maldon, moved "for leave to bring in a bill to repeal the third and fourth classes of Act 10 Geo. II., c. 28, which empowers the Lord Chamberlain to prohibit the acting of any new play or entertainment on the stage."

In the brief discussion that followed,—

SIR ROBERT PEEL observed, that, looking at the state of the stage before and after the passing of the Act, there was nothing to induce the House to remove the censorship. He confessed he had not the confidence which the hon. mover had in the good taste of the public; and was by no means satisfied that, but for the censorship, immoral and blasphemous dramas would not be received with applause; neither did he believe that the common law would be found sufficient to repress the licentiousness of the stage. He was the more induced to entertain these opinions from the manner in which the horrid murder committed by Thurtell, with all its dreadful details, was represented on a minor stage, almost immediately after its occurrence. The hon. member for Maldon had alluded to Lord Chesterfield's speech. There was one part of that speech to which he begged the particular attention of the hon. member, namely, that part of it in which Lord Chesterfield had objected to bringing in the bill at so late a period of the session. Lord Chesterfield had predicted that the passing of the Act in question would, in its consequences, be injurious to the liberty of the press. The result, however, had shown that the noble lord was entirely mistaken on that point. The deputy-licenser, Mr. Colman, had been charged by the hon. gentleman with fastidiousness; but was the hon. gentleman prepared to say, that the dramatic taste of the people of England was so pure that it might be left without control? And what was the substitute for that authority recommended by the hon. gentleman? A committee of magistrates—of police—or at best, county magistrates! For all these reasons, but especially because he objected to bringing in such a bill as the present at so late a period of the session as the 25th of May, he must oppose the hon. gentleman's motion.

Sir Robert Peel having subsequently intimated that he would not object to the hon. member for Maldon's bringing in a bill at as early a period in the next session as he might think proper,—the motion was negatived without a division.

CIVIL GOVERNMENT OF CANADA.

MAY 25, 1830.

Mr. Labouchere moved, and Lord Sandon seconded the following resolutions:—

"That it is the opinion of this House, that a majority of the members of the legislative councils of Upper and Lower Canada ought not to consist of persons holding offices at the pleasure of the Crown; and that any measures that may tend to connect more intimately this branch of the constitution with the interest of these colonies, would be attended with the greatest advantage.

"That it is the opinion of this House, that it is not expedient that the judges should hold seats in the Executive Councils of Upper and Lower Canada, and that (with the exception of the chief justice) they ought not to be involved in the political business of the legislative councils.

"That it is the opinion of this House, that it is indispensable to the good govern-

ment and contentment of his Majesty's Canadian subjects, that these measures should be carried into effect with the least possible convenient delay."

Sir Robert Peel, towards the close of the discussion, said, he had been asked, whether he did not think that the judges ought to be independent of the Crown? This was a difficult question to answer in general, as much depended on the nature of society, on the state of the colony, and on the nature of the inducements held out to men to accept judicial situations. The great point to be aimed at was, a pure and impartial administration of justice in the colony. The mover and seconder of the resolutions that had been proposed to the House, had supported them in a manner which indicated that it was necessary to force his right hon. friend to adopt the recommendation of the committee; but it had already been pointed out by his right hon. friend, that he had not only adopted the principle, but had actually carried it into practice, by seizing the opportunity afforded by three vacancies to appoint the successors in accordance with the suggestion of the committee. As the resolutions were meant to apply a stimulus to the government, which his right hon. friend had shown that the government did not need; that was, he thought, a sufficient reason why the House, which must, under such circumstances, wish to avoid the appearance of censuring the government, should not adopt the resolutions. There were, however, two other reasons. First, as the resolutions referred to the exercise of the prerogative of the Crown, the House ought to proceed by addressing the Crown to abstain from exercising that prerogative, and not by coming to the proposed resolutions. The Act regulating the Canadas gave the power to the Crown, and if the House wished to restrain that power, it would be proper to proceed by a legislative measure. To the resolutions of that House the other House of Parliament could not be a party; and therefore, what was intended to alter the prerogative should be done by a measure in which the whole legislature could concur. Another reason was, that the Crown had exercised its prerogative, and had appointed a Council, and in that council were several persons dependent on the government, as well as judges; and a resolution of that House, condemning the formation of that Council, would not add to its respect in the Canadas. He thought it would not be wise, therefore, for the House of Commons to come to such a resolution. He desired to see the colonies prosperous; and he was convinced they would long be of use to the mother-country, by remaining connected with her by the ties of affection; and it was only by those ties, which he wished to see strengthened, that we could secure their assistance and goodwill.

On a division, the first resolution was negatived by 155 against 94; majority, 61.

INTERFERENCE OF THE MILITARY AT RYE.

MAY 27, 1830.

Colonel Evans presented a petition from certain inhabitants of Rye, complaining of the interference of a military armed force, under the direction of Herbert Curteis, Esq., on the occasion of a recent disturbance at that place between certain landowners and other persons, relative to the sluices which served to clear the harbour. The hon. member entered into a detail of the disturbance which took place there on the 26th ultimo; he justified the conduct of the people, and considered the interference of the military as illegal.

In the discussion which ensued,—

SIR ROBERT PEEL said, that he would not give any opinion on the question between the people of the town of Rye and the commissioners. He absented himself from voting on the bill relating to Rye, upon the principle that it was better for a minister of the crown not to interfere in giving an opinion on a private bill. The time for making repairs in the sluice would not by law expire till 1831, and yet, at ten o'clock at night, about 500 persons, preceded by a band of music, went to level it by force, and so destroyed the communication between Rye and Dover. He felt it his duty to say, that the magistrate (Mr. Herbert Curteis) acted with promptitude and temperance. The men in the preventive service were called to assist in putting down the rioters. Rye was not a place from which the blockade service could be safely

drawn away, and, in order to let them attend to their own duty, he (Sir R. Peel) ordered troops to go in aid of the civil service. There was no alternative but to give protection to property. He hoped the gallant colonel would interfere with his constituents, and advise them on their conduct in this matter. The magistrate was perfectly right in preventing the destruction of the sluice by night and by violence.

At the close of the debate Sir Robert Peel said, it was no part of his duty to interfere with the progress of any bill that was before the other House of Parliament; neither did he think that he was called upon to interfere officially with private bills in any respect. Presuming even the alleged grievance to exist, he still thought that it ought not to be redressed in a tumultuous manner. If the parties should find that they had a right to abate the nuisance by law, there would be no opposition whatever offered on his part.

The Petition was ordered to lie on the table.

THE ROYAL SIGN-MANUAL BILL.

MAY 27, 1830.

A message was brought down from the Lords, stating that their lordships had passed a bill, entitled "An Act to enable his Majesty to appoint certain persons to affix the Royal Signature to instruments requiring such signature," in which they desired the concurrence of the House of Commons.

SIR ROBERT PEELE said,—Sir, in moving the first reading of a bill intended to make a temporary provision for enabling his majesty to affix his royal signature to those public instruments which require that formality, I must repeat, in concurrence, I am sure, with the unanimous feeling of the House, and of this nation, my deep regret at the circumstances which have rendered this application to Parliament necessary. It is, as his majesty has informed the House by his gracious message, on account of the indisposition under which he is labouring, painful and inconvenient to the king to attach his sign-manual to the multitude of official instruments which require the royal signature to give them validity. I must at the same time state that, under all circumstances, when application has been made to his majesty for his signature to any instrument, the completion of which was necessary to the public service, particularly instruments connected with the administration of justice and pardons, when it was thought fit to extend mercy to those who had received a penal sentence; on all such occasions, whatever pain or inconvenience affixing the signature might have subjected the king to, his majesty never suffered those considerations to stand in the way of his desire to facilitate the administration of justice, or to exercise his royal prerogative of mercy, and to forward the due execution of the public service. I am sure that this House is animated by a unanimous desire to spare his majesty the pain and inconvenience, if measures can be devised to effect that object consistently with the due discharge of the public service. I hope, consistently with that object, and with the prevention of all detriment or fear of injury to the public service, that the measure which is now introduced, is likely to be satisfactory. The present bill provides that his majesty may, by his royal warrant or commission, to be signed with the sign-manual, appoint one or more persons to attach a stamp to those instruments which require the royal signature. That stamp will be provided under the direction of the Lord President of the Council. There will be two stamps; one of which will bear the words "George R.," and the other "G. R.," the initials only, for such instruments as are usually signed in that way. The bill provides that the persons so empowered to affix this stamp, shall not be authorized to affix it to any instrument without a memorandum, specifying the nature of the instrument, and bearing the signature of at least three out of seven officers of state, who are named to be responsible for its application. Of those seven signatures, three, at least, must be attached to every instrument, as a certificate of its authenticity. The seven persons so appointed are the Lord Chancellor, the Lord President of the Council, the Lord Privy Seal, the First Lord of the Treasury, and the three principal secretaries of state. There is a provision in the bill that no one of these seven officers so appointed shall act alone; and, in order to guard against the possibility or the

supposition of any possible fraud, an oath is provided by the bill, to be taken by the parties by whom the stamp is to be affixed. The stamp can only be affixed by the king's express command, and in the presence of his majesty, and the party affixing it must attest by his own signature, that the stamp has been affixed by his majesty's express command, and in the presence of his majesty. These are the conditions which accompany the passing of this bill. However temporary it may be in its duration—for it is proposed to limit the bill to the end of this session—and God grant that it may not be necessary to extend it longer—but in case it should become necessary to continue it for a longer time, then there will be a necessity of bringing the measure again under the consideration of the House; so that every caution possible has been used in this case. It is right that it should be so, because we must bear in mind that we are establishing a precedent which may be appealed to on future occasions. There is one other provision which I omitted to notice—namely, an express enactment that his majesty may, at any time, attach his sign-manual in the ordinary way to any instrument when he sees fit and convenient, and that such signature shall have the ordinary operation, notwithstanding the concurrent power given to attach the signature in the other manner. His majesty will, therefore, if he see fit, exercise his royal prerogative with his own hand. There have been various instances in the former history of this country, of the royal signature being attached in the manner proposed by this bill. In the reign of Henry VIII. more than one commission was issued, empowering persons to apply a stamp, instead of the royal signature or initials, and giving it equal validity with the royal sign-manual. In the reign of Queen Mary also, the same power was given by royal commission; and it is also recorded, on the authority of Bishop Burnett, that, in the reign of King William, a stamp was applied in a similar manner. But although there exist all these various precedents for devolving to individuals the power of affixing a stamp, by the authority of the sign-manual, we have thought it the safer course to apply to parliament in this way for its sanction. I could enter into a more detailed explanation if it were necessary; but from the circumstances under which this measure is proposed, from its temporary duration, and the caution with which it is surrounded, I should hope that the House will be unanimous in the desire to afford his majesty this accommodation. It will be felt that it is extremely desirable that the measure should be passed with as little delay as possible, particularly on account of those public instruments which would now be pressing for signature, if it were not for the pain and inconvenience which the operation causes to his majesty. At the same time I propose, that we should see the provisions of the bill in print before it is finally carried. I shall move that it should be read a first and second time to-day; it can then be carried through its remaining stages to-morrow, and receive the royal assent on Saturday.

Lord Althorp suggested that it might be proper, before the bill should be finally passed, to have some evidence that his majesty was in such a state as to render a measure of this nature necessary.

Sir Robert Peel said, he was sure that when the noble lord thought of the circumstances under which the bill was proposed, he would not press his proposition. The House had his majesty's distinct assurance, in his gracious message, that he was labouring under indisposition which rendered it painful and inconvenient to sign the various official documents presented for that purpose. He entirely concurred in the opinion that it was necessary to be cautious in a step of this nature; but when the House had the royal message, saying that it was painful and inconvenient to his majesty, he thought it would not be respectful to imply a doubt of the fact.

Later in the evening, in reply to some observations from Sir C. Wetherell and Mr. Bernal, Sir Robert Peel, said, that he had not thought it necessary to trouble the House with any further details before, but there was a precedent for a commission to authorize a party to attach a stamp, instead of the royal hand. It was in the reign of Mary, and it was really curious and remarkable how closely the precautions adopted on that occasion coincided with those provided by the present bill. The precedent had only been discovered yesterday, after this bill was prepared, and if the House had any curiosity, he would read it. The right hon. baronet then read an extract from the 5th and 6th of Philip and Mary, which stated, that the Queen,

in consequence of the great labour which she sustained in the government and defence of the kingdom, was unable, without much danger and inconvenience, to sign the commissions, warrants, letters, missions, and other papers, and she therefore appointed certain persons therein named, and gave them authority to seal the necessary instruments, instead of the Queen, at her command, and in her presence, and in the presence of the Archbishop of York, the Lord Chancellor, the Master of the Horse, the Chancellor of the Duchy of Lancaster, the Chancellor of the order of the Garter, and others named therein, or any two of them, and declared that all instruments so signed should be as valid and effectual in law as if they were signed by the hand of the queen. This precedent had been discovered subsequently to the preparation of the present bill; but it would be seen, that the precautions taken were the same. Indeed, the bill went further than the precedent, because (a point which he omitted to mention before) it would be necessary that the instruments should be signed also in the presence of a confidential servant. The question of forgery had been considered; but, as the duration of the bill was to be so short, and as it was environed with so many cautions, it was thought that forgery would not be possible, because the forgery of the stamp alone would not be sufficient. It would be necessary also to affix the names of all those who attested it. In almost every instrument there would be five signatures. Referring to the Regency Act, he did not find in it any provision making it treason to counterfeit the sign-manual—[Sir C. Wetherell said, he did not desire to persevere in his suggestion]. If it were necessary to continue the present measure after this session, it would then be right to consider whether it would be desirable to make any additional provision to meet this point. But at present he did not think it was necessary, for the reasons which he had stated, and also as forgery was at all times subject to a high penalty at common law.

The bill was read a first and second time, and a committee appointed for the following day.

MAY 28, 1830.

The Bill was passed through the committee, and ordered to be reported, without amendments. On the question being put, that it be read a third time,—

SIR ROBERT PEEL wished to say in reply to an observation made last night, respecting the crime of forging the Royal Signature stamp, that in the Regency Act there was a clause, enabling his present majesty, then Prince of Wales, to sign "George, Prince Regent," and the Act did not make the forging that signature treason, but forgery. On the present occasion, the precedent afforded by that Act was strictly followed; and most hon. members, he had no doubt, would consider the punishment of forgery abundantly sufficient for such a possible offence. The other precautions contained in the bill better provided against forgery than would any extraordinary severity which they might introduce in the nature of a penal enactment.

The bill was passed, and immediately carried up to the Lords by Sir R. Peel.

THE NEW POLICE.

MAY 28, 1830.

Sir R. Vyvyan moved, "That an humble Address be presented to his Majesty, that he would cause to be laid before the House the number of men employed in the Police of the metropolis under the Police bill of 1829, distinguishing the grades of the persons so employed, and the specific number of each grade, together with the Pay and Allowance of all the persons employed; and also all the General Orders issued by the Secretary of State since the formation of the Establishment."

Mr. Spring Rice seconded the motion, which was supported by Mr. Lennard, and agreed to.

SIR ROBERT PEEL, who just then entered, said, if he had been in the House when the hon. baronet moved for these Returns, he should have taken that opportunity of stating, that on this subject he was prepared to give the House the fullest information. All the orders which had been issued, both general as well as secret—if there

were any, but in fact there were none,—he should be most willing to lay on the table of the House. There was no sort of information connected with the police that he was not ready to give. In order, however, to make the returns to be laid on the table complete, the House ought to know to what extent the police had been brought into operation, and what was the extent of the districts it guarded. He would therefore move for an account of the number of districts to which the Metropolis police had been extended, specifying the number of parishes, and the population of each parish according to the last Population Returns, with the total amount of the population embraced within the districts of the police.

Mr. Lennard said, he had made no allusion to secret orders, for he did not suppose that any such had been given.

Sir Robert Peel said, if there had been any he should have been glad to have produced them, for he was convinced that the efficiency of the police would be increased in proportion as it was exposed to the scrutiny of the House.

Lord Encombe said, if the Metropolitan police were to be conducted on the same principles as that at Brighton, it would be purely a military body.

Sir Robert Peel knew nothing of the Brighton police, except having seen the men. He had readily given all the assistance in his power to such towns as chose to form a police like the Metropolitan police; but he had taken no other part in their proceedings, though he hoped, that every provincial town would form such a police.

PARLIAMENTARY REFORM BY UNIVERSAL SUFFRAGE.

MAY 28, 1830.

Mr. O'Connell, pursuant to notice, moved for "leave to bring in a Bill for the effectual and radical reform of abuses in the representation of the people in the Commons House of Parliament."

Mr. John Wood seconded the motion.

Lord John Russell intimated his intention of moving, by way of amendment, a series of resolutions, in substance the same as those which he had formerly proposed on the subject of Parliamentary Reform.

In the course of the evening, SIR ROBERT PEEL said, the question was already so much exhausted, that he would not trouble the House with any general observations upon the matter at issue, but confine himself to the motions which had been made. There were two specific propositions before the House. The one was the motion of the hon. and learned gentleman, and the other the amendment of the noble lord. The motion of the learned gentleman embraced three topics—Triennial Parliaments, Vote by Ballot, and Universal Suffrage. The act which altered triennial parliaments into septennial, had been designated by the learned gentleman a gross usurpation, and he had, on that ground, claimed the going back to triennial parliaments; but he begged to observe, that the usurpation extended only as far as that one parliament was concerned, which was elected for three years. With respect to future parliaments, it had just as much right to make them septennial, as the present parliament had to make future ones triennial. But he was opposed to triennial parliaments on other grounds; neither did he see how it could help the interests of which its friends declared themselves the advocates. The expenses of elections had been talked of; but surely the oftener they occurred, the more frequent must be the expense. It had been stated, that in clubs the vote by ballot prevailed, but he thought that there was a great difference between the cases; besides which, he altogether doubted the policy of exercising the elective franchise in secret; to him it appeared that it would afford ample cover for hypocrisy and deceit, if it did not altogether prevent that free canvass and discussion of the merits of the different candidates.—[Some hon. member observed, "They may have that too"]. No: if they did discuss those merits, unless hypocrisy were afterwards made use of, the landlord would have just as much power of discovering what the vote of his tenant was, whether the discussion took place in the public-house or on the hustings; neither did he believe that any assurance could be given that the ballot would be fairly taken. To whomsoever the task

might be trusted, he would be placed in a situation of great responsibility. With respect to universal suffrage, he had only this observation to make;—If the learned member had said, “I prefer a republic to a monarchy,” he should have understood why that learned gentleman wanted to have universal suffrage. But if he said that he intended to improve the constitution according to constitutional principles, he ought to show that there was a precedent in the constitution for universal suffrage. There was no such precedent. Once grant universal suffrage, and that monarchy which the learned gentleman professed to admire—that House of Lords, for the existence of which, he said, he saw so many excellent reasons, would not long survive. If that House were to be the immediate organ of the people’s will, it would not long be content with possessing only one-third of the legislative power—and the first moment in which there was an opposition on the part of the House of Lords to the expressed opinion of the representatives elected on the principle of universal suffrage, that moment would endanger either the existence of the House of Lords, or change the state of the country, so as to prevent the action of government. And let him tell the learned gentleman, who had been so fond of referring to the times of the Revolution, that if universal suffrage had existed then, they never would have had that Revolution; for the voice of the people was decidedly for another form of government. But the learned gentleman had contended, that as the people paid for the public appointments, they ought to have a control over those appointments. Why, did not that very argument show that as soon as they got possession of the elective power, they would also want the executive power? The only tangible instance that had been cited by the other side, was that of an hon. and gallant general, who had been dismissed from his office for voting against the government; but did any one suppose that a state could ever be so constituted as that those who were opposed to the government in opinion should form part of the government? But even supposing that this circumstance gave a proof of a corrupt state of things, he could tell the learned gentleman that universal suffrage would give no security from such dismissals from office; and in this ancient limited monarchy there was infinitely less exercise of this power than in that republic where universal suffrage prevailed. In this country, when there was a change of government, the removals were generally confined to those who held confidential situations, and all the subordinate officers were usually retained; and, on the contrary, he could assure the learned gentleman from good authority, that when General Jackson succeeded to the presidential chair, his first act was to remove every individual from office—from the highest down to the lowest—even the very postmasters, who had been opposed to his interest. In his mind, that was a conclusive proof, that even if there were universal suffrage, there still would be no security against the removal of individuals from office. On these grounds, he was decidedly opposed to the motion of the hon. and learned gentleman. With respect to the amendment of the noble lord, he must say that he was also opposed to that. The noble lord, referring to something that he (Sir R. Peel) had said on a former night, observed, that he had contrasted the present House of Commons with the Houses of Commons in the reigns of George I. and II.; but that he (Lord J. Russell) was ready to prove that there was more attention paid to the public interest in those times than at present. If this proved any thing, it proved that there was no necessity for reform; for, as the noble lord had observed, there were more members of parliament holding office formerly than now, so that the present defect, according to that argument, would be, that there were too few members holding offices. The proposal of the noble lord was such as to afford no satisfaction to those who sided with the hon. and learned gentleman; and, if it were carried into execution, the consequence would be, that it would involve the whole country in great confusion. In particular, the part of the proposition which referred to the compulsory disfranchisement of boroughs, appeared to him to be quite incomprehensible; he could not understand in what manner the pecuniary compensation was to be afforded, or to whom it was to be paid. But on still more general grounds he was opposed to the proposed parliamentary reform. The House was bound to decide this question on the most comprehensive views. They had to consider whether there were not on the whole a general representation of the people in that House; and whether the popular voice were not sufficiently heard. For himself he thought that it was; and that that House was not unduly

influenced by the members of the other branch of the legislature. The hon. and learned gentleman had contended that the want of reform was the cause of the expensive and lengthened wars in which this country had been engaged. He begged leave to deny that assertion; for he did not believe that a House representing the wishes of the people would be a security against the recurrence of expensive wars. It never had been found in the experience of English history, that peace was very popular, or that war was very adverse to the sentiments of the people. He would admit that the people sometimes became tired of war; but war having been entered upon, it was then matter for the consideration of government whether there were not circumstances to preclude an immediate treaty of peace. On these grounds, and not seeing that there were any grievances made out which called for parliamentary reform, he should certainly give his most decided opposition to both the measures before the House.

On a division, the numbers were—for the motion, 13; against it, 319—majority, 306.

THE LAW OF DIVORCE.

JUNE 3, 1830.

Dr. Phillimore moved, "That an humble address be presented to his Majesty, praying that his Majesty would be pleased to direct the commissioners appointed to enquire into the state of the ecclesiastical courts in England and Wales, to take into their consideration the state of the Law of Divorce, to consider the expediency of enabling persons to obtain divorce from the bonds of matrimony, in cases of adultery, by legal process in courts of competent jurisdiction."

Several members having spoken, SIR ROBERT PEEL said, the House had some reason to complain of the imperfect notice which the hon. and learned gentleman had given of this measure—all-important as that was. He was, therefore, rather taken by surprise in being called upon to give an opinion upon it at that moment. He was sorry to be compelled to give a vote on so extensive a subject without the fullest consideration. The question, as it appeared to him, was this:—Was a case of necessity made out for a change in the existing law? and, secondly, was the proposed the best mode of legislating upon the subject? As to the first part of the question, he would not at that moment undertake to decide it, but he was prepared to say that he could not admit all the hon. and learned member's statements. It had been said that that House was not a competent tribunal in cases of divorce, and that in nine cases out of ten collusion took place. He thought, however, that that statement was much exaggerated; for he could not give the name of collusion to a case where a wife, who had been guilty of adultery, and wronged an affectionate husband, offered no opposition to his procuring a divorce. If it were the case that collusion was frequent and inevitable, it would be their duty to take some means of preventing such an evil in future. But the testimony of the hon. and learned member for Tregony was directly opposed to such a supposition. If by collusion were meant a criminal collusion to obtain a divorce, he (Sir Robert Peel) was by no means of opinion that such a collusion was frequent. The hon. and learned gentleman spoke of the expense of the remedy operating to give the rich an advantage over the poor. Let them adopt what regulations they pleased on the subject, he feared that that inequality could not be obviated. How could any court determine on the justice or expediency of granting a divorce without an extensive review of the lives of the parties by whom it was claimed, and without hearing satisfactory evidence upon the subject? The expense attendant on such proceedings must always operate as a bar to the poor. It had been said that there were courts in which a subject of that kind could be investigated at an expense not exceeding £15. With a reference to public morality, however, it appeared to him that it would be much better to retain all the existing inconveniences than to make divorce so easily attainable. To do that, would be to hold out a temptation to adultery. He was far from thinking that our present system was a good one; but he was by no means prepared to say, with the hon. and learned member for Clare, that the husband should have no remedy for the infidelity of his wife.

Mr. O'Connell said, he was not opposed to divorces *a mensa et thoro*.

Sir Robert Peel said, his argument applied to both species of divorce. It was well to make it the general rule that there should be no divorce; but there must be exceptions; yet those exceptions ought to be strictly enquired into, and ought to be the subjects of distinct acts of legislation. As to referring the subject to the ecclesiastical commission, it must be remembered that that commission was appointed for a very different purpose. And, besides, there were in the discussion of the question many moral and political considerations, which the legislature ought to retain in its own hands, and not devolve them upon any commission. It must also be recollected, that the commissioners were acting gratuitously. Having undertaken what it would require three or four years of application to accomplish, was it fair to impose upon them an additional labour? For all these reasons he was not prepared to acquiesce in the hon. and learned gentleman's motion; and hoped that he would follow the advice of the hon. and learned member for Tregony, and not press his motion to a division.

On a division, the motion was negatived by 102 against 45; majority, 57.

FOUR-AND-A-HALF PER CENT.

JUNE 4, 1830.

On the motion for the House to resolve itself into a committee of Ways and Means, with reference to his notice of motion respecting the prerogative of the Crown and the 4½-per-cent duties, he (Sir James Graham) wished to make a proposition. His proposition was this:—That his majesty's ministers should undertake, without loss of time, to bring in a bill to limit the prerogative of the Crown to import commodities free of duty, to such commodities as were for the use of the Crown, and not allowing it to import commodities free of duty, for sale, particularly the sugar which was sent here in payment of the 4½-per-cent duties, from Barbados and the Leeward Islands. If ministers would accept his proposition, and bring in such a measure, it would take away the necessity of making the motion of which he had given notice, though he should reserve to himself the right, if he were not satisfied with the measure, to bring forward a motion on the subject hereafter.

SIR ROBERT PEEL was glad of the opportunity of making that statement before going into the committee, which his right hon. friend would have had to make. It appeared, that according to the principle of the Constitution, nothing was more clear than that it was the prerogative of the Crown to bring into the country any commodities without the payment of any ordinary duties; and it was quite clear that this prerogative extended to the sugar which the Crown received in payment of the 4½-per-cent duties. It was, he asserted, quite clear, according to the constitutional law of this country, and the common law, that this sugar was not subject to pay Customs' duties. That was the fact in point of law. The proceeds of those duties (the 4½-per-cent), though evidently belonging to the Crown, were not appropriated to any personal, but to public, objects; and were applied to diminish the charges on some other public funds. At the same time, he was not prepared to contend that the Crown could import commodities for sale in the market, except on payment of duties, like other persons. Neither was he prepared to say, that the prerogative, though existing constitutionally to this extent, might not lead to public inconvenience. He was not prepared to say, that the prerogative, if wholly unlimited, might not lead to abuse. It was therefore the intention of ministers to place the prerogative under such a limitation, that the sugar for sale should not be brought into the market without paying the Customs' duties. His right hon. friend would have to introduce a legislative measure on the subject, to the House. He should reserve himself for further explanation when the measure was submitted to Parliament, and then the hon. baronet would have an opportunity of seeing if the enactment merited his approbation.

Sir James accepted the proposition of the right hon. Secretary.

LAW EXPENSES OF THE CROWN.

JUNE 4, 1830.

In a committee of supply, on the question, that a sum not exceeding £15,000 be granted to his Majesty, to defray the expenses of Law Charges for 1830, being put, a warm debate arose, particularly with reference to the prosecution of Mr. Alexander by the Lord Chancellor, for a libel.

SIR ROBERT PEEL, rising immediately after Mr. O'Connell, said, that whatever might be the opinion of the House on the question now before it, he was certain that no other member would be prepared to give his vote on the same grounds as the hon. and learned member for Clare. He had said that the prosecution was vindictive: if so, let the House mark its sentiments, by reprobating the conduct of the Attorney-general; but let it not degrade itself by such a paltry mode of reprobation as that of reducing the votes on the Estimates. Was there ever such a miserable mode of dealing with a great constitutional question? Was there ever an instance of an attempt to subject a Lord Chancellor and an Attorney-general to censure, by diminishing a vote of £100? And what if the Lord Chancellor had paid out of his own pocket the expenses of the prosecution, instituted by the Attorney-general? Would not the hon. and learned member for Clare be among the first to charge him with vindictiveness on that very ground, and cite it as the strongest instance of an unjust and vindictive feeling? He had never yet seen a gentleman placed in such a situation as his hon. and learned friend beside him. When he had been expressly challenged to justify his conduct, he had been called to order by an hon. member, and told that he ought not to proceed in an explanation into which he had been forced quite by surprise. He must say that his hon. and learned friend had not been fairly dealt with. He was called upon, without any public notice or private intimation, to vindicate his conduct in these prosecutions; and he would ask, whether this were a convenient opportunity for discussing that subject? A motion on this question had been made by the hon. and learned member for Plympton, who had protested against a private prosecution being changed to a public one. The House had decided against it. [*No, no.*] Well, the House had given no vote upon the subject; but the hon. and learned member had given notice of a motion, which was to bring the whole subject before the House. Not content with this, the hon. member for Newark had also given notice of a distinct motion to a similar effect. Neither of these hon. members had persevered in his motion; and was it therefore probable that his hon. and learned friend could expect that he was this night to be called on to enter into the whole question? Although it was competent for any hon. member in a Committee of Supply to introduce any question he pleased, yet, as a matter of convenience, it was desirable to limit questions as much as possible to pecuniary matters, unless distinct notice were given. A pecuniary consideration certainly arose out of the question of the hon. baronet, whether the expenses of the Lord Chancellor's prosecution were defrayed out of the public purse. If they were, they were defrayed by the vote of last year. He hoped they were; for he thought it far better that the charges of such prosecutions should come from the public funds, than from those of individuals. He would say, that although his (Sir R. Peel's) name had been introduced into an information, he would not pay the expense of it. The Attorney-general had instituted that prosecution, not out of regard for his private feelings, but because he had, as Secretary of State, been unjustly libelled. He had done so without communicating his intention to him; and could there be any thing more absurd and unjust, than for him to be required to pay the expenses of a prosecution, in respect to which he was not even consulted? It was the duty of the Attorney-general to protect public servants from attempts to run them down whilst in the performance of their public duties; and it was right that the Lord Chancellor should refuse to pay the expenses of such a prosecution. He should propose, that before the report be considered, and before a grant be made to defray these expenses, in order that the House should not adopt a proceeding implying the slightest censure on the Attorney-general, or on the Lord Chancellor, or on any individual connected with those prosecutions, that an enquiry should be made, and the facts fully stated to the House, as to whether it were usual for the public to pay

the expenses of such prosecutions. If such were the practice, and that practice were wrong, it was certainly competent for the House to alter it. The course he proposed, therefore, was that the vote should pass, and that, prior to the report, the facts should be fully stated to the House.

The resolution was agreed to.

PUNISHMENT OF FORGERIES' BILL.

JUNE 7, 1830.

The Bill for the Punishment of Forgeries having been read a third time, Sir James Mackintosh rose to move certain Amendments in the form of a Rider to the Bill. The first clause he meant to propose to add, would be the same as he had proposed in the committee. He intended by that proposition to repeal the penalty of death for all cases of forgery, except the case of forging wills, which he retained against his own inclination, making a sacrifice of his own opinion, out of deference to the opinions of a great many members, who observed, accurately enough, that there was some peculiarity in the crime. He should propose, then, to repeal the capital punishment in all cases of forgery, except the case he had mentioned, which was distinguished from others. In place of this punishment he meant to give a power to every court before which a person was convicted of forgery, to sentence that person to imprisonment, with or without hard labour, for any period not exceeding fourteen years. The same court should also have a power to substitute for imprisonment, banishment to any penal colony, also for a term not exceeding fourteen years. He should propose also that the court should not only have the power to inflict either of these punishments, but to accumulate them both, when the enormity of the offence should, in its opinion, justify such an accumulation of punishment. He should also propose to vest a power in the Crown, to make a regulation for the treatment of persons transported for forgery, so that the crime might be marked as one of the greatest enormity and danger, ranking next after the crimes of personal violence. He should wish, in addition, to take away the power which was possessed by the governors of our penal colonies, at least by the governor of New South Wales, of mitigating in cases of forgery the punishment inflicted for that offence. He proposed this in order that persons of education, such as those who generally committed forgery, and who being very often persons, on account of that education, useful for public situations in a colony, might not escape the punishment to which they were condemned. He meant to take away the power of remitting or relaxing the punishment of persons convicted of forgery, except it were obtained through representations to his Majesty. He did not intend to infringe on the prerogative of the Crown, but short of its exercise no remission of punishment should be granted to persons convicted of forgery. These were the objects of the clauses he meant to propose. He should be prepared to bring up these clauses in a few minutes, and the first amendment he should move would be in the first paragraph of page three, line seven, to the words "and shall suffer the punishment of death," to be left out. He would then, as the clauses on account of being engrossed could not be immediately brought up, formally propose that a clause for taking away the punishment of death in all cases of forgery, except that of forging wills, be added.

Mr. Fowell Buxton seconded the motion; and in the course of the debate which followed,—

SIR ROBERT PEEL said, that he would at once approach that point which, after all, was the main argument for the remission of the punishment of death in cases of forgery, namely, that the law, as it now existed, afforded no protection to property; but that if they remitted the punishment of death in such cases, a new protection to property would be thereby created. If this position were established by sound argument, it would unquestionably have more force with him than all the declamation which he had heard on this subject, during the present as well as on a former evening. But he would ask, if the punishment of death did not deter from the crime of forgery, why did the right hon. and learned gentleman admit the propriety of retaining

that punishment in one particular case, that of forging a will? If the right hon. and learned gentleman really thought that, by remitting the punishment of death, he gave additional security to property, why did he retain that punishment in this instance? The right hon. and learned gentlemen said, that he would not, to-night, go so far as he had formerly done; and then, with what appeared to him to be a great inconsistency, he proposed that the punishment of death for forgery should be abolished in all cases except where the forgery of a will took place. The hon. member for Weymouth stated, that he would not support the proposition of the right hon. and learned gentleman on any religious or conscientious scruple which he might himself entertain, but that he would defend it on the ground of its giving a new security and protection to property. Now, he would again state that which he had stated the other night, that it would, in his opinion, have precisely the contrary effect. If he were to look confidently forward to his continuing to hold the office of secretary of state, he could assure those who advocated the proposition of the right hon. and learned gentleman, that nothing would be more agreeable to him than to agree to a commutation of punishment, if he could bring himself to believe that it would be attended with beneficial effects. It would unquestionably free him from many very painful applications. In arguing this question, he relied entirely on facts connected with the mercantile concerns of this city, and to these facts the House, in his opinion, ought to attach very great weight. He particularly selected the case of the London bankers, and of the Bank of England. He, however, formerly declared, and he now repeated, that he did not mean to retain this punishment merely on account of the pecuniary interests of the London bankers or of the Bank of England, but because he felt that the general interests of the public were deeply concerned. In treating this question formerly, he had found it necessary to advert to the London bankers; and he had first stated the immense extent of their business. He had shown that thirty-six banking establishments (forming the Bankers' Committee for prosecuting forgeries) had in the course of three days, in the month of May, transacted business to the amount of £10,000,000. That fact, which he then stated, and which appeared at the time to have astonished some gentlemen, he now confidently repeated. He had also stated to the House, that four private banking-houses in London had, in the course of a year, transacted business to the amount of £500,000,000. But then he was told that, as all the drafts and bills of exchange must go through the clearing-house, an effectual security against forgery was thus created. Therefore, the right hon. and learned gentleman argued that they ought to deduct from the securities which were liable to forgery, that they ought to deduct from the general account, all notes and drafts which went through the clearing-house. Now, he differed entirely from those who advanced this as a valid argument. He would contend that the clearing-house was not an effectual security against forgery. He would contend that the right hon. and learned gentleman, and not himself, was mistaken as to facts. He said that the banker was not called on to pay on the day when the instrument was presented, and that therefore he had an opportunity of ascertaining its authenticity. But notwithstanding this, the fact was, and he knew it, that forgeries had on many occasions passed the clearing-house. A recent forgery for £500 on Messrs. Rothschild, did actually pass through the clearing-house. When a London banker received a bill, he had, no doubt, a day to ascertain its correctness; but the fact was, that such skill was evinced in the perpetration of forgery, that the fraud could not in many cases be discovered without a perpetual reference to the party named in the instrument. Why, it was but the other day that a woman brought forward documents signed, as it appeared, by Mr. Dunning, Lord Chatham, and he knew not by whom else. Now, he had no doubt that those signatures, though well executed, were not real; and if signatures were artfully traced, as he believed those to have been, how, except by personal reference, could the forgery be detected? Therefore he would say, that the argument founded on the clearing-house was not worth any thing: but that the fear of the punishment of death did deter from the commission of this crime was evident from the fact, that though business had been transacted, in three days, at the counters of the banking establishments, to which he had referred, to the amount of £4,795,000, there were, in the course of the present year, but four forgeries committed on them, and the amount was only £400. With respect to the Bank of England, where an immense

amount of business was necessarily transacted, they had only instituted three prosecutions for forgery in the last assizes, and in the present there was not one name recorded, in England or Wales, for forgery on that establishment. The right hon. and learned gentleman had said, that the Bank of England was an unflinching prosecutor, when it was supposed that the prosecution would serve its interest; but that it was always guided by its legal advisers, who never urged a prosecution except where conviction was sure to follow, and that, therefore, many cases of forgery might occur, which, being abandoned, were unknown to the public. Now, he had sent to the Bank of England for a return, specifying the entire extent of forgeries of which that body had received notice during the years 1827, 1828, and 1829. He did not call for a mere return of forgeries that were prosecuted, but for a full return of the forgeries attempted on the Bank of England, whether they succeeded or not, and what was the result? In 1827, the total amount of forgeries on the Bank of England was £2,107; in 1828, the total amount, under the existing law, was £197; in 1829, a magistrate of the county of York forged three powers of attorney to the amount of £6,500; he, however, not placing much confidence in the unwillingness of juries to convict, left the country the moment he had received the money; but, exclusive of that particular forgery, the sum of which it was attempted to defraud the Bank of England by false instruments, in 1829, amounted only to £378. Could it, he would ask, be argued, after this was made known, that the present state of the law afforded no protection to property? The hon. member for Calne argued, that the Bank of England, being a rigorous and inexorable prosecutor, thereby secured its own property. But if grand juries were so very unwilling to find true bills in these cases, and if petty juries were so anxious not to convict, as the House had been told, how came it that the Bank of England commanded this protection for its property? The two arguments were completely opposed to each other. After all he had heard, his conscientious conviction was, that they would not be promoting the protection of property, or the cause of public morality, by substituting the punishment of transportation for the punishment of death. One punishment was privately mentioned to him as very proper to be resorted to in the case of forgery. It was suggested that the culprit should be branded, and thus held up to public disgrace. This, however, had been formerly tried, with reference to other offences, and it had failed. In 1669, in the reign of William and Mary, an act was passed by which the perpetrators of burglary and larceny were directed to be punished by branding them on the face and hand; but six or seven years after, in the reign of Queen Anne, that act was repealed, on the express ground that the offenders who were thus driven from society, instead of being in any degree reformed, became more desperate; and he was quite sure that any very severe secondary punishment, if substituted for death, would speedily be abolished. The French, he knew, had secondary punishments; but he was convinced, that if an individual here were to be condemned, as many were in France, to work for ten years on the public roads, dragging a cannon-ball at his feet, the Quakers, or the sentimentalists, as the hon. and learned gentleman called them, would shudder at such a punishment, and would feel just as much reluctance to prosecute for the crime of forgery as they did at present on account of the infliction of death. Much had been said about France; but he must observe, that the punishment of death for forgery was not abolished in that country. The forgery of transfers of stock, or of any documents bearing the stamp of the government, was still subject to the punishment of death. Secondary punishments, though recognised by the law, were not at all popular there. The punishment of the *carcan*, for instance, was denounced as cruel and degrading. In taking the course which he felt it to be his duty to pursue, he was actuated by no other motive than the protection of property, and the repression of crime. If the House thought differently from him, he must bow to its decision; but, under all circumstances, he would act steadily upon the feelings and principles which a serious consideration of the subject had created.

Mr. Brougham having addressed the House at some length, Sir Robert Peel in explanation stated, that the members of the committee of bankers to whom the hon. and learned gentleman alluded, had never spoken to him as a body, or in any other capacity than that of individuals on their own responsibility. He could assure the hon. member, that he must have been misinformed if he understood that either of the

individuals in question had consented to forego a prosecution from motives of principle.

On a division, the numbers were: for the clause abolishing the punishment of death for forgery, 151; against it, 138; majority for the clause, 13.

Sir James Mackintosh having brought up the clause, Sir Robert Peel rose and said, that he bowed to the sense of the majority of the House, although he must repeat, that his sentiments remained entirely unchanged, and he believed they would soon have reason to repent the decision to which they had just come. As the bill had taken this turn, he now relinquished to others the benefit of his labours, and bequeathed the further progress of the measure to the right hon. and learned member, who had, he took it for granted, well weighed the terms of his clause, and given to it that deliberate consideration which he (Sir Robert Peel) had not had the power of bestowing upon it. On the right hon. and learned gentleman, then, devolved the responsibility of this amendment.

JUNE 8, 1830.

SIR ROBERT PEELE moved the second reading of the clause added to the Forgery Punishment Bill. The right hon. baronet said, he would take that opportunity of making a statement to the House, in reference to something which had fallen from the hon. and learned member for Knaresborough last night. When he (Sir Robert Peel) stated that he had communicated with six of the most respectable merchants in London, expressing to him their apprehensions of the consequences if the punishment of death were abolished, he was met by the statement, that two of these very gentlemen had permitted a person charged with forgery to escape the hands of justice. Now, he held in his hand a letter, signed by all these gentlemen, dated that day, in which they asserted that the statement he had just alluded to was entirely without foundation; and they requested that he would communicate the contents in the most public manner to the House.

Mr. Fowell Buxton said he had reason to believe that the statement was substantially correct as to the fact, though inaccurate as to date. The fact was, that a forgery was committed upon the house of Shipman and Co., of George-court, up-holsters; and, when it was recollected that the party accused was the father of nine children, some excuse would be made for these parties not prosecuting. But there was no doubt that the forgery took place.

SIR ROBERT PEELE said, the question was, whether the parties abandoned the prosecution from a dread of inflicting the punishment of death?

Mr. F. Buxton had been informed, on high authority, that the substance of what he had stated was capable of proof in every part, as stated by the hon. member for Knaresborough, except the date.

The clause read a second time, and the Forgery Bill passed.

REPEAL OF THE VESTRIES' ACTS OF IRELAND.

JUNE 10, 1830.

Mr. O'Connell moved for leave to bring in a bill to repeal so much of the statutes in force in Ireland, as enabled parish vestries to assess rates for the building, rebuilding, and enlarging of churches and chapels, and also for the repairing of the chancels of churches, and also for providing things necessary for the celebration of divine service therein.

The Chancellor of the Exchequer moved, as an amendment, for "leave to bring in a bill to amend the Act 7 Geo. IV., c. 72, for regulating Vestries," and, with respect even to that amendment, he should be ready to abandon it in favour of the noble lord opposite (Lord Gower), if he would undertake to bring forward a measure for the purpose.

Mr. Hume defended the original motion, and expressed a hope that, if ministers would not accede to that motion, they would themselves originate some measure which would give satisfaction at once to the House and to the country.

SIR ROBERT PEEL was afraid that he should never be able to bring in a bill upon this subject, so framed as to give satisfaction to the hon. member for Aberdeen. He thought that the whole question now under discussion resolved itself simply into this—Is it right that provision should be made for the due performance of divine worship in every parish in Ireland? If it were, how ought that provision to be made? He contended that it should be by parochial assessment. The hon. member would have it otherwise. Was the hon. member then prepared to provide for the proper payment of the Church of Ireland out of his own funds, as well as for the proper payment of the Church to which he now contributed?

Mr. Hume said, that he was not. He wished the parishioners to be allowed to tax themselves.

SIR ROBERT PEEL said, that the answer of the hon. member for Aberdeen was just the answer which he had expected to receive from him. The hon. member was therefore an advocate of parochial assessments, but of parochial assessments formed upon such a system as must be destructive to the Established Church of Ireland. To admit 1,000 Catholics to be on a level with twelve Protestants in parishes where the population was so unequally divided between the two religions, would be to make the Church Establishment of Ireland a mere mockery. He thought that there ought to be a specification by law of the matters deemed essential to the maintenance of divine service, and that the vestry should not be empowered to disburse the funds of the parish on any but such matters; but he was not prepared to introduce a bill with such specification during the present session. The hon. member asked, why not? He would ask in return, whether ministers were now able to get a fair hearing for the business which was already before the House, and which was absolutely necessary for the public service? He admitted that it was the right of that and every other hon. member to speak upon and discuss every subject that came before the House. The right he would not dispute; but when the hon. member and others thought fit to exercise that right as they did, how was public business to go on? The hon. gentleman might, no doubt, say he was a member of the legislature, and had a right to do so; but if there were twenty other members who would exercise their right to the same extent, so far from being enabled to pass any bill, the House could never get one to a first reading. He therefore, without contesting the hon. member for Aberdeen's right, or presuming to say that the hon. gentleman ever made use of any unnecessary argumentation in his reasoning, still felt that, while such course was pursued, they could never get to the end of their business. When the hon. member occupied the time of the House on an average for four or five hours every night, it was rather hard that he should be the person to turn round and become the accuser of the government for delay. He was not willing to add to the business of the present session, for he was sorry to find that there was not now sufficient time to despatch what was already before the House. For his own part, he was often employed seventeen or eighteen hours a day. In that House he often spent ten hours, in addition to seven or eight spent in the discharge of his official duties, and he fairly owned, that he was thus left with too little time for the proper consideration of public business. Under these circumstances, it would not be right to press such a bill as that on the consideration of the House. The right hon. gentleman concluded by expressing his opposition to the motion.

The House rejected the amendment, and divided on Mr. O'Connell's motion. Ayes, 17; Noes, 141—majority, 124.

CONVICTS.

JUNE 11, 1830.

Mr. Hume having moved for certain returns relating to convicts sent out to New South Wales, &c., in 1828 and 1829; Sir M. W. Ridley, concurring in the motion, begged to call the attention of the right hon. secretary opposite to a statement which had been made to him (Sir M. W. Ridley) a few days back, respecting the treatment of some convicts on their arrival at New South Wales. He was informed that, in a week after their arrival out at the colony, some of them appeared abroad without any

restraint; that they lived in a style of affluence which they could not support here. He alluded to convicts who had been sent out for forgery,—many of whom were living in a style of splendour. Some of them kept their carriages and horses, and in other respects were in the enjoyment of much affluence. He understood that some steps had been taken to correct this evil; but still he felt it his duty to call the attention of the right hon. gentleman to it.

SIR ROBERT PEEL said, the circumstances to which the hon. baronet alluded, were amongst the reasons which induced him, on a former evening, to object to transportation as an efficient punishment for forgery. In fact, it was almost impossible that a man who had moved in a respectable rank of life, and who had the command of money, could be made to labour under another who was very much below him in station. He regretted that any thing such as this should occur, yet it was difficult, in a colony which had now nearly lost its character of a penal colony, to prevent the influence which education and rank would naturally acquire. No doubt, however, a limit should be set to indulgence to convicts. With the particular circumstances to which the hon. baronet alluded, he was not acquainted. Indeed, as the hon. baronet must be aware, the colony did not come within his department; but no doubt, if they were such as the hon. baronet had described them, a check ought to be put to them, and he was sure his right hon. friend, the secretary for the colonies, would give the subject all due attention.

Mr. Hume's motion was agreed to.

CONSULAR ESTABLISHMENTS.

JUNE 11, 1830.

In a Committee of Supply, Sir James Graham, on the item relating to Consular Establishments, moved as an amendment, that £79,970 be substituted for £87,970.

SIR ROBERT PEEL, who spoke at an advanced period of the debate, said he could not see the slightest inconsistency in the conduct of the hon. member for Beverley. When the hon. gentleman said, that he entertained confidence in the general disposition of his Majesty's government towards economy, he by no means relinquished his right to examine any particular part of their conduct. He did not think his Majesty's government had been well used by the hon. baronet. It was too much for the hon. baronet to argue, that his Majesty's government disregarded public opinion because they disregarded his opinion. What were the facts? The estimates voted last year, amounted to £17,525,000; the estimates which it was proposed to vote this year, amounted only to £16,584,000. When did any preceding ministers of their own accord, the circumstances of the country remaining the same, propose a reduction in one year of £1,100,000? Having done that in a single year, and having declared their determination, if they continued in administration, to persevere in their course, that afforded in his mind a conclusive answer to the charge against them of constituting a profligate and corrupt government.

After some explanations on the part of Sir James Graham,—

Sir Robert Peel said—By voting against the motion of the hon. baronet, I do not pledge myself to the support of the present consular establishments, for I think that the whole system of our consular establishments and salaries ought to be revised. We are, however, placed in a peculiar situation; for if we concede to the opinion of the House of Commons on one occasion, our so yielding is used as a taunt against us at another. This certainly is a novel course, at least, if it be not a just one. Now, the present system relative to consuls was an experiment of Mr. Canning's in the year 1825; and the abolition of fees and the substitution of salaries was tried at the recommendation of the House. This experiment has not succeeded, and it is a subject worthy of serious consideration whether we ought not partially to return to the old system of remuneration by fees. But, let me ask, am I to be taunted, because the House of Commons threw out a suggestion, to which I yielded; or, is there any thing in such conduct to justify the hon. baronet in throwing out such a taunt? The House of Commons is as much responsible for the present consular system as the government; and therefore not the tribunal that ought to inflict censure. There have

been, already, several reductions made, amounting to £5,300 a year; and, as vacancies occur, a due and proper consideration will be given to every appointment before any vacancy be filled up: but it would not be good policy to withdraw from remote colonies the present consuls, and put them on the superannuation list at home. There are, at present, under the consideration of my noble friend at the head of the Foreign Department, the appointments at Mexico, Carthagena, Lima, Valparaiso, Buenos Ayres, Concepcion, Lisbon, Madrid, and several others; and as vacancies occur at these stations, the necessity of filling them up will be considered; and, what is of more importance, also, whether the emoluments of these offices may not undergo some partial alteration—at least, as to the source from which they are to be ultimately drawn.

The amendment was negatived by 121 against 98; majority, 23.

THE NEW POLICE.

JUNE 15, 1830.

In a discussion which arose on the presentation of a petition by Sir E. Knatchbull, from the market gardeners of Middlesex, Surrey, &c., SIR ROBERT PEEL, who had entered the House while Mr. Benett was speaking, said,—There certainly had been many complaints that the old system was inefficient; and with good reason, for there were parishes which had refused to subject themselves to the assessment which was necessary for the support of a watch; the consequence was, that in one parish there had been eighteen burglaries in the course of six weeks: this alarmed the inhabitants, and a voluntary subscription was entered into; but in the course of two months it fell to the ground; and all this time there was no provision for the nightly watch. The present system might be more expensive than the old one, but it was the greatest injustice that, by the refusal of some to provide a proper watch, those expenses should be heightened to others who were willing to pay for the protection of their property. If it were desirable to improve the system, the men must be disciplined for that purpose; but as to calling them a military force beyond that, it was absurd. Every order under which they acted had come to the knowledge of the public. The power which that House had at all times to call for the regulations made, was a sufficient protection against any military system being introduced. Considering that the number only amounted to 3,000 men, he thought that they had done as much as could possibly be expected. Of course the expense was considerable; but how was that to be avoided? Was the number of men too great? On the contrary, it was generally complained of as being too small. Was the salary too large? On the contrary, it was said that it was not sufficient to induce respectable men to offer themselves. For himself he thought that the salary was sufficient, and he should, therefore, be unwilling to raise it; still, however, the opposite opinion prevailed to a considerable extent. With respect to land in the neighbourhood of the metropolis having to pay the rate, he thought that was but just, for as it reaped all the advantages attendant on being situated near so large a city, what right had its owners to expect that they should be exonerated from the disadvantages? He saw no reason why a parish at a distance from the metropolis should be included in the police system; and he should be sorry to propose to the Privy Council to include any such parish, without first consulting the parish authorities, more particularly if they objected to it. He would not extend the system to parishes which did not form, as it were, part of the metropolis. In general, however, parishes had made applications to be included within the police districts; and certainly more made applications to be included than to be excluded. As far as his experience of the new system went, he had formed a highly favourable opinion of it. Twelve months had not yet elapsed since it was formed, and he did not expect that in so short a time it would have done so much. He had never anticipated that it would in that time have become so well acquainted with the class of people it was most desirous the police should be acquainted with, in order to watch them. He did not suppose that its discipline would in that period have become so perfect, or the men, who were all new to the employment, would in so short a time have become so well

acquainted with the habits of the thieves of London, as to prevent their depredations. The police was daily improving, and three or four years would not elapse before the House, he was sure, would congratulate itself on having established the force. Gentlemen must not judge altogether from the streets through which they were accustomed to walk, but they must look at every part of the metropolis and its environs. That system could not be good which did not provide for the police of every part; for if the police of St. Giles's were neglected, the parish of St. George would suffer. The former system, which allowed each parish to take care of itself, was a bad one. In one parish the greatest care might be taken, but in another the police might be wholly neglected. The consequence would be, that the thieves would live in the outskirts of the well-watched parish, and commit their depredations in the other, when they found an opportunity. Complaints were made of the police almost before it was formed. It was not adopted from any whim, it had been recommended by a committee nominated at his suggestion—that committee had made elaborate enquiries, and recommended the present police system. The moment it was tried, even before it was complete, some gentlemen exclaimed against it, and wanted to return to the old system. He hoped the new system would be preserved, for his confidence in its success was strengthened every day. The improvement already effected was very great, and every day it became more manifest; and if gentlemen would only watch its operations, and wait a reasonable time, he was persuaded that they would be as partial to it as he was.

Later in the debate, Sir Robert Peel, in explanation to Mr. Alderman Wood, said he was never more surprised, than to find a debate of this kind brought on without any intimation having been given, or any notice even that a petition was to be presented; and not merely a debate, but an attack on him. The hon. baronet came down with scraps of his former speeches, and endeavoured to prove that he wished to change the institutions of the country. The hon. baronet said he was glad that the city of London had resisted the secretary of state, as it had formerly resisted an arbitrary sovereign, and had escaped the control of the new police. The fact was, that he had told the city that he would not concern himself in any way with its police, except by giving it all the documents and papers connected with the Westminster police, which could be of service to the city in forming an improved police. He never had attempted to interfere with the city; he had no desire to control the city of London, and wished that its police should be improved under its own municipal authorities, and not under the authority of the secretary of state. He did say that the country had outgrown its institutions; but he applied that remark only to its police institutions. If the hon. baronet thought that there should be no other institutions now than those that existed in the time of Alfred, he was much mistaken. The owners of property now would complain loudly enough, if, under the present circumstances of the country, there were no other justice than that which was instituted when Alfred reigned. The hon. baronet's respect for antiquity carried him too far when he found nothing to admire but the institutions that were framed 600 or 700 years ago. He hoped every populous place would provide itself with a police, but he by no means wished that the police of every town should be under the control of the secretary of state. There was no other effectual way of checking crime than that of having a good police. To show that he did not wish to control the police, that he did not want any patronage from it, he would mention that he had not made one single appointment, but had left all the appointments in the hands of the commissioners, making them responsible for the persons they recommended. The present system was a great deal better than the old one, under which the parochial authorities made a great number of very improper appointments without being either efficient, active, or united.

Subsequently, Sir Robert Peel said he wished to state, that he himself was no more capable of managing a police thirty miles from London than of regulating the police of Dublin or Edinburgh. He certainly wished that all the large towns should establish a police, but he did not wish that to be placed under the control of the secretary of state. He had enough to do without looking after such details. What he wished to see extended was, the plan adopted at Manchester. In that town there was an excellent police, but it was entirely under the control of the local authorities.

ROUTINE OF PUBLIC BUSINESS.

JUNE 15, 1830.

SIR ROBERT PEEL said he felt himself obliged to call the attention of the House to the state of the public business, as he was at present deeply interested in the subject. It was necessary to make some alteration in the mode of proceeding, and come to some determination as to the time at which public business should begin, or abandon it altogether. At present it was so deferred, that attention to it was precluded. At that late period of the session, something ought to be done, or the inconvenience to the public would be very great. He should beg leave, therefore, to submit to the House, in the existing state of the public business, that it would be expedient for the present session, and only for the present session, that the House should come to an understanding, that public business should commence at a definite hour. He would say, that on every day except Wednesday, public business ought to begin at half-past five o'clock. For private business, and for the presenting of petitions, there would then be an hour and a half every day. The petitions, too, might be presented after the public business was done. Gentlemen who were concerned in petitions, when they were of a doubtful nature, would greatly facilitate the business of the House if they would not excite debates on them. He would not move any formal resolution on the subject, but he was anxious to collect the general sense of the House on the question, whether it would not be desirable to make a temporary arrangement—and to be understood only as a temporary arrangement—that the public business should begin every evening at half-past five o'clock? He did not wish that it should take effect on the present day, but that in future, business should begin at that time.

Mr. Brougham said, that if any private matter were under discussion at half-past five, it ought to be allowed to be concluded. Sir R. Peel assented to this proposal.

ADMINISTRATION OF JUSTICE BILL.

JUNE 18, 1830.

In the discussion on the Attorney-general's motion for the recommitment of this Bill,—

SIR ROBERT PEEL objected to the course taken by hon. members, who, in opposing the committee upon the bill, had anticipated the discussion proper to a committee, and, instead of combating the principle, contented themselves with criticising the details of the bill. He should not imitate this example, but address the observations he had to make to the object or principle of the measure. After repeated complaints of the delays that occurred in legal proceedings, and the consequent hinderance of justice, a commission was appointed, at the unanimous desire of the House, to investigate the whole question of the proceedings in our courts of common law, and submit to the Crown and Parliament remedies for so striking an evil. Now that the enquiry had been instituted, and the report had been made, they were asked to begin the enquiry over again, and by persons who, he would venture to say, had never read the report at all. This, however, was the constant course now pursued: for enquiry they had clamour; and, when the time for enquiry had gone by, then fresh enquiry was called for. He would, however, ask hon. gentlemen, before they decided against the principle of this bill, to advert a little to the facts of the case. The first enquiry of the commission was with respect to the courts of common law; and, with reference to the Court of King's Bench alone, it appeared that there had, within five years, been begun in that court no less than 281,000 causes. In the year 1823, the number was 43,000; in 1826, it was 69,000; and in 1827, it was 66,000. The commissioners pursued this calculation further, and the conclusion to which they came was, that the Court of King's Bench was immoderately overburdened with business; that the judges exerted themselves with great activity; but that, notwithstanding, the arrear of Term business and Nisi Prius causes was extremely oppressive: that the Court of Common Pleas was also very busy; that there was no arrear of Term business, but a considerable arrear of Nisi Prius business. The commissioners doubted the policy of adding to

the labour of the judges, and of occupying every moment of their time, without allowing them any leisure for recreation, or even for the pursuit of those branches of learning which were connected with their functions. They proposed, therefore, that the business in all the courts should be equalized, and, for that purpose, that another judge should be added to each court. That was the main proposal which the report suggested, and which the bill was to carry into effect. There were others, into which he did not think it necessary to enter at present. If it were admitted that three new judges were necessary, then arose the question, whether the time of those three judges would be entirely and exclusively occupied by the business so assigned to them; or whether it would not be possible that a portion of their time might be employed in the business which now devolved upon eight judges in Wales? The commissioners had come to the conclusion that it was possible so to employ them, and that led to the question, whether it were not desirable, by that means, to save the expense of the eight judges who now performed the duties? His Majesty's ministers had come to the conclusion, that if three new judges were to be appointed in the first place, they could not ask Parliament to retain eight unnecessary persons in office; and, next, he thought that they would be able to show that justice would be better administered by judges of the highest character, belonging to the superior courts, than it would be administered, without meaning any disparagement to the present judges, and entertaining, as he did, the highest respect for them, by those who might hold their offices with a seat in Parliament, and who, from the narrowness of their salaries, were necessarily practising barristers. But then ministers were met with this objection, "You must not make this alteration because the people of Wales (a brave and gallant people, as his hon. and learned friend designated them, and truly)—the people of Wales are adverse to it;" and his hon. and learned friend went so far as to deny the right of Parliament to take away their Court of Equity. No man could speak more affectionately than he could do, with the utmost sincerity, of the principality of Wales. He must say that he honoured the principality; that no part of the empire had held out examples more worthy of admiration than Wales had, at various periods of difficulty as well as of success; but could he, on reading the reports, say that the measure was contrary to the will of the people of Wales? It was not either by his, or his hon. and learned friend's assertion, but by the evidence, that that point must be decided. Now, who were the parties whose opinion had been taken by the commissioners on the subject? The first was his hon. friend, the member for the county of Brecon, who, he was sure, if the honour or character of the principality were at stake, would be ready to stand up in its vindication. The chairmen of the different quarter sessions had also been examined, who, by their own experience, and by their intercourse with the magistrates, were best calculated to form a judgment. They all concurred in pronouncing it desirable that the principality of Wales should be included in the circuits of the English judges. One of those gentlemen added, that the attorneys were principally adverse to the change, because the fees in the principality courts were higher than elsewhere. After the government had received the opinions of the commissioners, supported by this evidence, would it have been justified in refusing to act upon the report, and ought it not to call upon Parliament for its sanction to a measure so recommended? Besides, it was a fallacy to say that the principality had local courts, and that this bill was taking them away. There would be just as many local courts as ever, only the justice in them would be administered by English judges, and on the English system: it appeared to him, that there was a combination of advantages to be anticipated from this bill. First, there was the more effectual administration of justice in England, by the addition of the new judges; and next, the advantage of placing Wales under the same jurisdiction as England, and saving the expense of the Welsh judges. Now, certainly, if his Majesty's government were inclined to select improper persons to fulfil the judicial office, the Welsh judicial system would have been precisely what they would have preferred, from the necessity in which the judges were of practising as barristers. This it was proposed to do away with altogether, as well as the patronage and local machinery connected with these courts. He said that his Majesty's government were not only justified in the course it had pursued, but that it would not have discharged its duty if it had acted otherwise.

On a division, the motion was carried by 129 against 30; majority, 99.

WAYS AND MEANS—SUGAR DUTIES.

JUNE 21, 1830.

In a debate on the resolutions respecting the sugar duties in a committee of ways and means, after a speech of considerable length by Mr. Huskisson; Mr Charles Grant moved, as an amendment, that all brown, Muscovado, or plain sugar, the produce of British possessions in the West-Indies or North America, or the Mauritius, should be admitted, on paying a duty of 20s. the cwt.

SIR R. PEEL said that he wished to say a few words on the last point to which the hon. member for Callington had adverted, and which he considered to be by far the most important consideration which had yet been introduced into the debate. That point was simply this—was it the duty of the House, in the present state of the finances of the country, and after the remission of taxation which had already been made in this session, to run the risk of impairing the revenue further, by making the reduction on those duties which his right hon. friend proposed? The taxes which had been already remitted, by the abolition of the duties on beer and leather, amounted to £3,300,000. His right hon. friend the Chancellor of the Exchequer, had told the House that he expected that loss of revenue to be compensated by the new duties on spirits, to the amount of £400,000, and on stamps to the amount of £200,000, leaving a total loss of revenue amounting to £2,700,000. His right hon. friend behind him now proposed another remission of taxes to the amount of £1,200,000, looking only to the compensation to be derived from the additional duty on spirits, which was calculated to produce £200,000; thus proposing, in reality, another reduction of taxes to no less an amount than £1,000,000. His right hon. friend expressed a hope that the sum so lost to the revenue would be made up by the duties paid on the increased consumption of sugar which would follow the reductions he proposed to make. It was an experiment frightfully hazardous; for could the House calculate that £500,000 would be produced to the revenue, when, in order to raise that sum, there must be an increase in the consumption of sugar amounting to a full eighth part of that which was already consumed in the country? But even if that sum should be produced, there would still be an additional deficit of half a million of revenue to supply: so that upon the whole revenue of the year there must be a deficit of £3,200,000 to be made good upon the most favourable calculation. Such being the case, would it be wise to make any further reduction? His right hon. friend had reminded the House of the savings which the Government would make by the reduction of the 4 per-cents. He wondered how his right hon. friend could have referred to that point, because it was sure to excite in his mind a reminiscence of which he was bound to avail himself. How had the Government been able to effect the reduction of the 4 per-cents? By the maintenance of the public credit. It was by the manner in which it had kept up the public funds that Government had been able to avail itself of its credit to reduce the rate of interest, and to diminish the annual taxation of the country, in that respect, by no less a sum than £700,000. It was on this very account that he doubted the policy of incurring the risk of having any deficiency in the revenue. If they ran the risk of having to make up a deficiency by an issue of Exchequer bills, or a loan from the bank, they must bid adieu to all further hopes of relieving the revenue of the country by a reduction of the rate of interest paid for the support of the public credit. He had heard his right hon. friend behind him talk of the vacillation exhibited by his right hon. friend, the Chancellor of the Exchequer. Now he would remind the House, that this remission of taxes differed from every other. It was impossible to take advice upon it from those who had the best knowledge, because they were deeply interested in the result. If those persons, after the remission was agreed upon, told ministers that they were going to do what was unjust, were they to be blamed if, on learning the injustice which they were going to commit, they changed their original course of action? That the charge of vacillation should have come from that particular quarter certainly did surprise him. For a week past public notice had been given by the right hon. member for Inverness, that the motion which the House would have to discuss was for a reduction of the duty of sugar, not according to a fixed rate of the article, but according to the quality of the sugar. The proposal now made by his right hon. friend the Chancellor of the Exchequer, did not

differ from the principle advanced in the notice of motion given by the right hon. member for Inverness, as would appear by a reference to the terms of the notice. The second resolution which the right hon. gentleman had given notice of his intention to move, declared, that it was expedient to levy a duty on sugar according to the value of the different qualities of the article, rather than by a fixed rate. Up to half-past five o'clock that evening, he believed that it was the intention of the right hon. gentleman to propose a reduction of the duty upon that principle. The charge of inconsistency and vacillation, therefore, came with very bad grace from the right hon. gentleman, who had abandoned his original proposal, and substituted a fixed rate of duty instead of a duty imposed according to the value of the article. The right hon. gentleman, it should be recollected, stood in a different situation from his right hon. friend. The former acted only as an individual member of parliament: the latter was Chancellor of the Exchequer. He would remind the House, that the right hon. gentleman had filled an important situation in the government of the country, and was well acquainted with all the bearings of the subject. If the right hon. gentleman with all his experience, found it necessary, after a week's consideration, to propose resolutions not only at variance with those of which he had originally given notice, but directly opposed to them, why should he deny to the Chancellor of the Exchequer the privilege of changing his opinion with respect to the practical operation of a measure which he had propounded? He did not mean to say that the right hon. gentleman had not a good excuse for changing the nature of his resolutions. The resolutions proposed by the right hon. gentleman to-night, did not agree with those which he moved last year. He thought that no imputation rested with any man for changing his course of conduct with reference to matters so complicated. In such circumstances, individuals must be governed by communications from parties interested in the question. No imputation could rest upon any man for changing his course, rather than, by a protracted contest in that House, submit to the chance of keeping the whole country in suspense, and creating great inconvenience. If the Chancellor of the Exchequer were convinced that his original proposition was not a convenient one, he thought that so far from its being his duty to occupy the time of the House with a contest on the subject, he did his duty towards the country and towards all parties interested in the question, by announcing the change which his intentions had undergone, and submitting the new proposition to the House. He would not enter into any details respecting the bill, but he saw no difficulty in fixing the duty in the way proposed by the Chancellor of the Exchequer. The hon. member who spoke last admitted that the principle of the measure was just. Then why not affirm the resolutions which contained the principle? He hoped that the House would prefer the resolutions of the Chancellor of the Exchequer to those proposed by the right hon. gentleman without notice, which called upon the House to relinquish one million of revenue in the present state of the public finances, trusting to an increased consumption to compensate the diminution. In his opinion, the proposition was fraught with consequences so dangerous, that no consideration could induce him to give it his support. He also hoped that the House would by its vote show a determination to maintain the public credit, and to enable the government to make a further remission of taxation by the reduction of the interest of the debt.

On a division, the amendment was negatived by 182 against 144—majority, 38; and, on another division, the original resolution, for 22s. per cwt., was agreed to by 161 against 144—majority, 17.

SUITS IN EQUITY BILL.—COURT OF CHANCERY.

JUNE 24, 1830.

In the resumed debate on the Court of Chancery Bill,—

SIR ROBERT PEEL said, that he was sorry to interpose between the long array of legal combatants who had addressed the House; but there were, he thought, some considerations not legal, which might with propriety be addressed to the House by a layman. It was a question in which they were all deeply interested; their comforts and their property were deeply involved in it; and therefore, though they were

not legal men, they might form an opinion concerning it. The question for the House to decide was, not whether the bill would prevent delay, but whether a preliminary obstacle should be suffered to prevent the consideration even of a measure which had been sent down from the other House of Parliament, and the object of which was to diminish the expense and shorten the proceedings in a suit in Chancery. He considered that the discussion at present was, whether or not they would proceed and take into consideration, according to the ordinary forms, a bill to improve the Court of Chancery? All the measures, however, for the improvement of that Court were met—by what? By a demand for further enquiry. He thought that at present a practical measure was called for; and when it was produced, it was found that enquiry was wanted. After all the debates on this subject, to ask for further enquiry when a practical measure was proposed, was to imitate the course of those alarming proceedings in the Court of Chancery which they were all ready to condemn. It was fifteen years since that cause had been first set down for a hearing. There was lying before him the first volume of the Commissioners' Report; it had been set down again and again for further exceptions, for rehearings to be spoken to. Again there was no decision; and the House wanted to follow the example of the Court of Chancery: and though one half of the Report, made three years before, contained no less than 569 pages, the House wanted further enquiry. There were three measures proposed—the first was, to diminish the interval between the setting down of a cause and the hearing of it; the second was, to lessen the delay which intervened before passing the decree; and the third had for its object, to diminish the motives now attributed (though he believed unjustly) to the Masters for delay, on account of delay turning to their own profit. These measures were calculated to prevent delay; and now, after so much enquiry, to stop them, on the ground of further enquiry being necessary, seemed to him a solemn mockery. To show the necessity of the measures, what, he would ask, was the state of business in the Court of Chancery? Had the business of the Court of Chancery increased? He would not go back 200 years, he would take the business before the Court during the last three years—1827, 1828, and 1829, and compare it with the business before the Court in 1814, 1815, and 1816, the three years immediately subsequent to the creation of the Vice-chancellor. The number of causes set down for hearing of all descriptions, in these three years, was 4,801; while the number set down in 1827, 1828, and 1829, was 6,772, showing an actual increase in the business of the Court, arising from the increase of the people, and the increase of wealth, and the increase of litigation, of 1,971 causes in the three last years, as compared to the three years ending with 1816. He stated this as a strong presumption that additional aid was necessary to get through the business. What was the arrear of business? He would take the first seal before Easter during the last four years, and see what was the total number of causes standing on the paper ready for hearing, but which could not be heard. In 1827, on the first seal before Easter, including all causes set down, the arrear was 742; in 1828, it was 588; in 1829, it was 853; and in 1830, on the first seal before Easter, it was 655. The parties were anxious to have a hearing—they were ready; but, on an average, there were 600 causes remaining unheard, from the impossibility of hearing them. That the time was come when some remedy ought to be applied, could not, he thought, be doubted, though there might be some difference of opinion as to the remedy to be applied. It was the duty of the House to provide against further delay. What was the state of the business at present? The number of causes of all descriptions entered on the Vice-chancellor's paper, in January and February, 1829, was 265. The average of the time before these causes could be heard was one year and a quarter, although they were all ready for hearing. It would be fifteen months before a proper opportunity arrived for hearing any one of these causes after it had been set down. Were those facts not sufficient to call for a remedy? That was a question which he thought satisfactorily answered. The next question was, Is the remedy proposed the fitting one? The object of the measure was to appoint an additional judge. He wished to meet the objections to this proposition with candour. It was said that in 1828 he had opposed a similar motion. He had not done so. There had been no such proposition. He had moved the previous question on a motion of the hon. gentleman's, but that was not for the appointment of an additional judge. But even if he were not clear of all such objections, he claimed for himself the liberty

of deciding all questions by the circumstances under which they were brought before the House for discussion; and he contended that it was not proper to bind down members to the words of their former speeches. He begged therefore to decide the question of this additional judge without any reference to his own previous votes, or the previous speeches of other hon. members. The hon. member for Kirkcudbright (Mr. Ferguson) had declared, if it could be proved to his satisfaction that the present triumph over the arrear of business in the Court of Chancery was only temporary, he would vote for the appointment of a new judge. Now, he would show that the impression on that arrear was temporary; he would prove that the business of the Court of Chancery was increasing, and he would claim that hon. member's vote. Since the returns connected with the business of that Court had been presented to the House, the number of causes on the paper had materially increased. On the 1st of June, in Trinity Term, there were down for hearing before the Vice-chancellor, an arrear of 353 causes. Since that time there had been thirteen disposed of, but thirty-two new causes had been set down; so that the number of causes, according to that return, was increased nearly threefold. In the same manner, in the Court of the Master of the Rolls, there were on the same day 305 causes, or whatever else they were called; of these there had been disposed of since that time fifty, and there were entered on the paper seventy. This was the boasted diminution of the arrear of causes of which they had heard so much. This was the prospect they had of getting rid of the delays of the Court of Chancery. Independent of all this, however, he doubted the policy or the expediency of trusting to the continuance of the good health of the judge, or the unceasing exertion of his faculties in the constant discharge of the arduous duties of his office. He doubted much whether it were politic or prudent, either in official or in legal situations, to keep those who held them fourteen or fifteen hours a-day employed in the mere drudgery of their department. He confessed it appeared to him that such a course was calculated to disqualify them for the performance of some of the more important and higher duties of their station—an opinion in which he was confirmed by Mr. Burke, who, in a letter to a member of the French Convention, declared that the judgment of those who were so laboriously employed must be deficient in that wisdom and forethought which should distinguish such a situation. It had been objected, also, that the number of appeals which must be made to the decisions of inferior judges was an argument against the appointment of another judge; but he believed that the benefit derived from such appeals, when under proper restrictions, counterbalanced, in a great degree, any evils which might arise from their number. Another objection to this measure was, that the additional judge would be the mere deputy of the Lord Chancellor, a mere Jack Rugby. * He confessed he did not well know what the allusion of the hon. and learned member for Plympton aimed at by this Jack Rugby; but he thought he could find enough in the speech of Mr. Wetherell, in 1813, to neutralize the objections of Sir Charles Wetherell, in 1830. The hon. and learned member, on the debate on the appointment of the Vice-chancellor in 1813, had spoken a speech in favour of the appointment of a new judge so good, that he wished he had as good a one on his side now. The hon. and learned member at that time contended, as he found it reported in Hansard's Parliamentary Debates, "that the bill offered the most efficacious and constitutional means for redressing the grievances under which the subjects of these realms now laboured from the necessary delay and arrear of business in the Court of Chancery and House of Lords. He denied that the new officer would be either inefficient or degraded, and, on the contrary, argued that men of competent legal knowledge, high character, and excellent abilities, would be found eligible to and ready to undertake the discharge of its important functions. He justified the application of the Dead fund to the payment of part of the salary of the new officer, and closed his observations by warmly approving of every part of the bill." His hon. and learned friend might oppose the bill, but he was not justified, after having expressed such an opinion, to declare that it would degrade the Lord Chancellor. After observing that the increase of the business of the Court year after year had fully justified the appointment of an additional judge now as it did then, the right hon. baronet entreated the House not to lose the good which this bill held out the hope of attaining, because it might not go to the full length which some sanguine persons

anticipated, and that, too, when no other proposition of any feasible nature was before them, to prevent the delays which had been so often a subject of complaint. Above all, he implored them not to yield to the demand for a new and indefinite enquiry, at a time when they had before them a bill, founded on the report of those able commissioners who had enquired into the whole of the practice of the courts, and whose recommendations formed the substance of the bill. He thought he had done enough to prove that he was the friend of gradual reform in the administration of the law. This was one of the measures by which he hoped to lay the foundation of that reform; and if there were any who objected to the permanent expense, they would learn with satisfaction, that when the temporary relief had been afforded to the judges of the court, the bill left it in the power of his majesty, on the resignation or death of the new judge, to dispense with the necessity of appointing a successor. He trusted, therefore, that no amendment would be allowed to interfere with an object so really beneficial; and being himself deeply impressed with a sense of its importance, he should at once move, as an amendment on the amendment of the hon. and learned gentleman (Sir C. Wetherell), "That the bill be now read a second time."

On a division, Sir Charles Wetherell's amendment was negatived, and Sir Robert Peel consented to the postponement of the second reading of the bill to the 28th instant.

ROYAL MESSAGE ON THE DEMISE OF THE CROWN.

JUNE 29, 1830.

SIR ROBERT PEEL brought up the following message from his Majesty (William IV.), which was read by the Speaker:—

"William, R.

"The King feels assured, that the House of Commons entertains a just sense of the loss which his majesty and the country have sustained in the death of his majesty's lamented brother, the late king; and that the House sympathizes with his majesty in the deep affliction in which his majesty is plunged by this mournful event. The king, taking into his serious consideration the advanced period of the session, and the state of the public business, feels unwilling to recommend the introduction of any new matter, which, by its postponement, would tend to the detriment of the public service. His majesty has adverted to the provisions of the law which decrees the determination of parliament within an early period after the demise of the crown; and being of opinion that it will be much conducive to the general convenience and to the public interests of the country, to call, with as little delay as possible, a new parliament, his majesty recommends the House of Commons to make such temporary provision as may be requisite for the public service in the interval that may elapse between the close of the present session, and the meeting of another parliament."

[During the reading of the message, the members, in compliance with a very general call to that effect, remained uncovered, and the whole proceeding evidently attracted deep attention.]

Sir Robert Peel then rose to move an address in answer to this message, and spoke nearly as follows:—Sir, I propose to defer until to-morrow the consideration of any part of this message, the answer to which can by possibility provoke any difference of opinion in this House. But I am sure, sir, I should not be acting in consonance with the prevailing—and, I trust I may say, the unanimous—feeling of this House, if I postponed even for the shortest period, the moving an address to his majesty, condoling with his majesty on account of the severe loss which he, in common with the country, has sustained by the demise of our late much-lamented sovereign; and offering, at the same time, to his majesty, the assurances of our earnest hope and prayer, that his reign may be a reign of honour and of happiness to his majesty and to his people. That principle of the constitution which forbids the possibility of there being any suspension or interruption of the exercise of the regal power, makes it necessary that we should unite the discordant and strongly-contrasted topics of

condolence on the death of the late sovereign, his Majesty's brother, and of congratulation on his Majesty's accession to the throne of his ancestors; but yet, I am confident that no expression of congratulation, however strong—no prayer for his Majesty's health, happiness, or prosperity, could be more gratifying or more consolatory to his Majesty, than the assurance that this House deeply sympathises with him in his affliction for the loss he has sustained in the death of a beloved brother; and that it is also deeply sensible of the loss to him and to his people in being deprived of that sovereign whom they now unfeignedly deplore. The House will bear in mind that his late Majesty administered the affairs of this country for a period of twenty years, a great portion of which time the nation was involved in a war, during which the reign of the Sovereign was signalised by some of the most brilliant achievements recorded in history, and the military reputation and renown of this country exalted to the highest pinnacle of glory. But in the course of a considerable portion of that time, during which his late Majesty reigned over this country, we enjoyed the highest blessings which could be conferred by peace; and I believe that much of the benefits we have derived from the mild and temperate administration of the laws during that period, were owing to the mild and generous character of his Majesty himself. Sir, we live too near the period of those occurrences to be able to estimate in their full force all the benefits we have derived from the mild and beneficent government of the late king; but I cannot help thinking that a more remote posterity will pronounce that reign to have been one of the brightest, and I may add, one of the most honourable as well as most beneficial, in the annals of this country. It will regard the late king as a sovereign who in war maintained, in its highest state, the honour, and character, and glory of England; and who, whether in peace or in war, during the whole course of his delegated power, whether as regent or as king, never exercised, or expressed any wish to exercise, the prerogatives of the Crown, except for the safety and the advantage of his people. I am sure I shall not be considered as overstepping the language of truth when I say that the king was a liberal patron of the arts and of artists; and I may add, from much personal experience, that no appeal to his Majesty for the affliction or distresses of his subjects ever remained unnoticed, and that his generosity was widely and frequently extended to those whose situation demanded relief. Sir, this address, while it condoles with his Majesty on the loss of his brother, congratulates him on his accession to the throne of his ancestors; and I am sure I shall best consult the feelings and wishes of his Majesty, by refraining on the present occasion from any of that laboured or overstrained language of panegyric which the occasion might seem to demand. The life of the princes of the royal family of this country is familiar to almost the whole of its people. I think it right to assure the House that his present Majesty has openly declared, that the greatest relief he feels under his present difficulties, is the satisfaction that he has had opportunities of witnessing the conduct of his late revered father and lamented brother, and that he shall ever have his recollection of that conduct before him as his guide in the discharge of his important duties. The House will, however, bear in mind that his Majesty has, from his earliest infancy, been engaged in the active service of his country. His habits and principles in the discharge of the duties of the various stations he has occupied are well known. His conduct, whether as a peer of parliament, or as a private subject, is before the world, and has been displayed to so much advantage on so many occasions, that I think I may be spared the necessity of dilating on the subject at this moment; but I trust the House will cordially and unanimously join with me in voting an answer to this address—declaring our anxious wishes that his Majesty may enjoy all health, and honour, and glory, in the administration of the government, and expressing our confident expectation that his Majesty's reign will be distinguished by an ardent desire to maintain inviolate our religion, our liberty, and our laws, and that he will labour to promote the true and permanent interests of all classes of the people. The right. hon. gentleman then moved, that an humble address be presented to his Majesty, "To assure his Majesty that this House most cordially sympathises in the deep affliction in which his Majesty has been involved by the death of his lamented brother, the late king; and humbly to condole with his Majesty on the loss of a sovereign so justly dear to his Majesty and his people; to express to his Majesty the deep sense we entertain of the blessings this nation has enjoyed under the reign of his late Majesty, from the

long continuance of peace—the anxious efforts of his late Majesty to encourage the arts, to extend the commerce, and to advance the general welfare of the country—to beseech his Majesty to accept of our cordial congratulations on his accession to the throne—to assure his Majesty of our ardent attachment to his person—and to assure his Majesty further of our deep conviction that his reign will be distinguished, under the blessing of Divine Providence, by an anxious desire for the maintenance of our religion and the laws of his kingdom, and for the promotion of the happiness and liberty of all conditions of his people.”

Mr. Brougham having seconded the address, in a brief but suitable speech,—Sir Robert Peel moved that the address should be presented to his Majesty by such members of the House as were of his Majesty's most honourable privy council.

Mr. C. W. Wynn proposed, as it was a subject in which the feelings of the whole House were so immediately concerned, and as it would be more respectful to his Majesty and agreeable to the whole House, that the Address be presented by the House in a body.

Sir R. Peel said, that if it had not been for the approaching funeral of his late Majesty, it would have been more agreeable and right that the House should in a body present the Address to his Majesty, but as it was, it certainly would be better the Address should be presented as he had proposed.

Mr. C. W. Wynn hoped to be excused for pressing his own view upon the House again; but he really believed it would be more agreeable—certainly to his own feelings—and likewise to the whole House, that the House should go in a body, and present the Address.

Mr. Brougham said, that on the occasion of the death of George III., which also happened on a Saturday, the House met on Sunday; but that, owing to some delay on the part of the Lord Chamberlain, in attending to administer the oaths, the House adjourned till Monday; and again adjourned over till Tuesday or Wednesday, and then adjourned, so as to allow the day of the funeral of his Majesty to pass over; then, indeed, the House could not do otherwise than go up in a body.

Sir Robert Peel observed, that, as his Majesty had retired into privacy as much as it was possible for him to do without detriment to any of the important public duties that devolved upon him, he believed it would be more agreeable to his Majesty to receive at the hands of the members of his Privy Council that Address which his Majesty could not but regard as the most unanimous and affectionate feeling of the House.

It was carried unanimously, that the Address be presented by such members of the House as were of the Privy Council.

ADDRESS IN ANSWER TO THE KING'S MESSAGE.

JUNE 30, 1830.

SIR ROBERT PEELE moved the Order of the Day for taking into further consideration his Majesty's most gracious Message. The Order having been read,—

Sir Robert Peel spoke as follows:—Sir, I now rise for the purpose of calling the attention of the House to that part of the most gracious Message of his Majesty which expresses a hope that this House will make temporary provision for the conduct of the public service in the interval which must elapse between the termination of the present session and the assembling of a new Parliament. But I cannot proceed to the performance of that duty without expressing, so far as an individual can presume to express, my deep sense of the considerate and respectful forbearance with which the House was pleased yesterday to limit its proceedings to that part of the Address which related to condolence and congratulation, and unanimously to refuse to enter upon the consideration of any thing which could provoke angry debate, or lead to the expression of a difference of opinion. Sir, upon the recent demise of the Crown, there necessarily devolved upon the ministers a duty of giving advice to his Majesty as to the course which it was fitting for him to pursue for the despatch of public business. The House is, no doubt, aware that, by an ancient law of this country, the demise of the Crown necessarily terminated the existence of Parliament. The reason assigned for that by Blackstone is, that the king, being the head and soul of Parliament—its “*caput, principium, et finis*”—the demise of the

Crown put an end to the proceedings and existence of Parliament, and it was not till the reign of King William that any alteration was made in the law in that respect. By an Act of that Sovereign (the 7th and 8th William and Mary) it was provided, that the demise of the Crown, during the existence of Parliament, should not necessarily terminate its existence, but that it might continue to sit, unless expressly prorogued or dissolved, for six months after such demise. The preamble to that Act sufficiently sets out the causes of it; stating, amongst other things, "the dangers likely to accrue upon the demise of the Crown from the invasion of foreign enemies, or the conspiracies of evil and wickedly-disposed persons at home." And the alteration in that law, no doubt, had relation to the peculiar circumstances of those times, and the danger which then existed of a disputed succession to the Throne of this country. It has been said that this was a temporary Act; but, from all that I can understand of the matter, I am disposed to believe it was intended to be a permanent measure; and the more firmly, because I find it repeated, almost in the same terms, and re-enacted by the subsequent statutes of Queen Anne. But, Sir, whatever may have been the circumstances of that precedent, and whether the provident precaution then taken, of allowing the Parliament, notwithstanding the demise of the Crown, to continue to sit, provided the circumstances of the country required its uninterrupted deliberations, was or was not expedient, is not now the question: the question now is, whether or no, in the present state of public business, and referring to the proceedings incident to the demise of the Crown, and the accession of a new Sovereign, it is more advisable to dissolve the present Parliament, or to continue to sit for the consideration and despatch of such public business as is now unfinished? This is the question, and, Sir, after the most mature consideration of it in all its bearings, the ministers, whose duty it is to advise the Crown, have come to a conclusion that they best discharge that duty by recommending the course pointed out by this message. The question, then, which I have now to put to the House is this—will it accede to the suggestion made by the Crown, of making provision corresponding with the present state of affairs? This is a question which I propose for its immediate consideration. Sir, I think there can be no question that, though circumstances may seem to prove that it is necessary, nay almost advisable, that parliament should continue its deliberations, yet, upon the whole, much inconvenience must arise from its continued sittings, particularly when it is recollected that the period of its natural dissolution—namely, six months—is not very far distant. I would also put it to gentlemen whether the giving a longer time to canvass for elections would not be attended with the greatest inconvenience, and very great expense—for we all know that these long preparations produce no good; they do not facilitate, on the contrary they impede, the free and unbiassed expression of opinion by the electors; and the appeals thus made, and of necessity often repeated, within a large space of time, must have, not a beneficial, but a mischievous and corrupting influence. I hold it too, Sir, that it would expose members of the existing parliament, who are obliged to attend to their duties here, to an unfair disadvantage, as compared with their opponents—candidates for public favour, who, having no business to distract them, will be enabled to apply the whole of their attention to the subject, and to seek means of support which those others have not. These considerations, and the advantage of being personally on the spot canvassing their constituents, must either work injuriously towards the sitting members, if they attend their duties in parliament, or they will affect most mischievously the public business, should gentlemen be selfish enough to yield to them, and absent themselves. And hence it is, that in former periods, when parliament continued to sit under circumstances like the present, there was a constant complaint of the insufficiency of the attendance of members, and there are frequent entries in the journals of those days, of orders made upon members themselves, urging their return to town, or upon sheriffs and returning officers, calling upon them to return them. Upon all these grounds, I think it cannot be denied, that unless there be some special circumstances which require the immediate intervention of parliament, it will be, upon the whole, most conducive to the convenience of gentlemen themselves, most beneficial to the public, and most fair and impartial towards the parties contending for the voices of their constituents, to acknowledge, at the very earliest period we can, consistent with the public business, that the prerogative of the Crown ought to be exercised upon this occasion,

and that a new parliament ought to be called. I am aware that, since Queen Anne's reign, instances have occurred of a different course pursued in the reigns of the monarchs who immediately succeeded her. I am aware that it has been usual to send a message to this House, proposing, without delay, the arrangement of the civil list, and that such arrangements were, in fact, made before any prorogation or dissolution took place. But let it be borne in mind that the constitution of the civil list was different then from what it now is; that the sovereign was then in possession of the hereditary revenues of the Crown, and that the sum to be voted by parliament was exactly the difference between the actual amount of the civil list, and the sum of the charges upon it. It is also true, that the time devoted to the discussion of this subject, up to the accession of George III. was not of such a length as, in modern times, so great and important a measure would be thought to require. The bill, for instance, which settled the civil list upon George I. was passed through both Houses with an expedition little known now-a-days. Queen Anne died on the 1st of August, 1714, and the bill for settling the civil list upon her successor was brought into the House on the 12th of August; it was passed through all its stages with great rapidity and little comment; upon the 17th it was taken up to the Lords, returned again upon the 19th, and parliament was prorogued on the 25th of the same month of August. The periods, therefore, in which parliament proceeded to regulate the civil list, upon the demise of the crown, before the parliament was dissolved, cannot, I conceive, be referred to as authorities for our guidance now. It is, I am persuaded, the concurrent and unanimous feeling of the country that, in making a settlement of the civil list upon the present king, under circumstances differing so entirely from those of the late reign, it is desirable that the ministers, upon whom the responsibility of advising the measure rests, should have the fullest opportunity of maturely considering it in all its points; and that the members of this House, who are to sanction such arrangements, should also have the fullest opportunities of weighing and deliberating upon them. Sir, it is to be considered that we have to arrange and settle the civil lists of three different parts of the empire, or, rather, the three civil lists of England, Scotland, and Ireland. A committee which sat upon this subject in 1815—fifteen years ago—gave some general recommendations with respect to the appropriation of the civil list to the Prince, then unrestricted regent, which were closely followed when his Royal Highness succeeded to the Throne; but, at the same time, it is impossible not to admit that there are several circumstances connected with the subject which would admit of additional improvement. I would mention, for instance, several of the public officers of state, who receive their salaries partly from the civil list and partly from the consolidated fund. The judges are so paid; so are some of the officers of the treasury, the expense and charge being defrayed from both sources. Indeed I cannot put the case more strongly than in the instance of my right hon. friend, the chancellor of the exchequer. At this moment the chancellor of the exchequer receives his official emoluments from five different sources, partly from the civil list, part from the consolidated fund of this country, part from the consolidated fund of Ireland, part from other funds arising out of the commutation of fees, and partly from other transactions in his office. It is desirable that this condition of the civil list should be amended, and all charges upon it consolidated. But, adverting to the period which must elapse before government can prepare any well-digested plan for arranging the civil list—adverting to the time which parliament must, of necessity, take in considering that plan—I do not think that the former precedent—a precedent, too, taken from the earliest period, immediately after the death of Queen Anne, by whom the bill was passed—ought to be binding on us; and thinking, therefore, that there will be more advantage in postponing the civil list to a future occasion, than in pressing it on now, and keeping parliament sitting for several weeks, with all the inconveniences of haste in the measure, and expense to the members, we propose to follow the latter precedent of 1820, as the safest course. Sir, it is not that ministers have any doubt that the present parliament would make a just provision for his majesty, for, while members are naturally and justly desirous of curtailing the public expenses, yet they would not be deterred by the fear of meeting their constituents, from making a just and liberal provision for the Crown. We know they would consider that the interests of the state were blended with the ease and splendour of the

monarch, and they would find it a pleasure, as well as feel it a duty to the country, to make such a provision,—not regardless of economy—but ample, as would maintain the dignity of the Throne. It is not, therefore, from any distrust in the present parliament, that we do not now lay before it the arrangements of the civil list for the new reign, but solely upon the ground that there is not time enough for the adequate consideration of these matters, consistently with their importance, and the claims of other business. I have, Sir, already said that we have decided upon following the precedent of 1820, but there were many circumstances in that case which do not apply to the present. In 1820 his late Majesty ascended the Throne, after having been unrestricted regent for a number of years, and there was, therefore, no change in the person of the sovereign. In 1820 the parliament, which had been elected under the regency of the Prince, afterwards George IV., had already sat one year and six months, and the demise of the Crown took place the last day of January, at the very period when, under ordinary circumstances, we should be beginning the parliamentary session. But the demise of the Crown has now taken place under very different circumstances. The present parliament has sat, not a year and six months, but four years. There is also a complete change in the person of his Majesty, who was never till now called, like the late king, to exercise any of the prerogatives of the Crown. The demise of the Crown has not taken place at the commencement, but at the end, of the session, and after five months of, I won't say successful, but certainly unremitting and severe labours. It has occurred, too, at a period when some interval between the past and future labours is so desirable, not so much for the personal convenience of members as for the better despatch of public business. Keeping therefore the precedent of 1820 before us, we propose to imitate it, so far as the different circumstances of the two periods will allow; and it will be at once perceived that in the present case, there are more reasons for an immediate dissolution than in 1820. There can be no doubt but that it is competent to the House to sit and transact business, and, if there were any necessity for its continuing to sit, I am sure no feeling of personal inconvenience would induce us to rise, or to forego the consideration of the matters necessary to the public interests. Sir, I will not say, even for the purposes of debate, that this question is free from all difficulty, or that it is one to which we may at once come to a conclusion, without regarding any previous difficulties. The hon. and learned gentleman opposite (Mr. Brougham), and some other members, made some remarks upon omissions in the message from his Majesty. Sir, it would be affectation in me to pretend ignorance of the meaning of these remarks, or not to know that the omissions alluded to must refer to one of two things: first, either to the Civil List; or, secondly, to some arrangements for a Regency. Sir, this latter is a subject of great delicacy and importance; but still it is better to treat it with frankness, that we may, if possible, remove wrong impressions. I admit that it is a question quite open to consideration, and various opinions have been formed upon it; but I can say that, after the most serious consideration of the matter, and after weighing maturely the great importance of the subject, the ministers are of opinion that, upon the whole, we shall best consult the public interests by recommending a postponement of the consideration of that question for the present. We have, it is true, at this moment an heir-presumptive to the throne, who is an infant of tender years; and the question is, whether parliament will go on to provide for an event—possible, no doubt, but which God avert!—namely, the demise of the Crown—to provide for the administration of the Royal prerogative in the interval between such demise and the period when the next heir shall come of mature age, whoever that person may be? I cannot imagine any thing more deeply affecting the interests of this country, or which requires more mature and dispassionate consideration, than the provision for such a case. It is a case of the very last importance and consequence. There have been, indeed, in our history, instances of Regencies before; but, I apprehend, none exactly resembling this. In each of the years 1751 and 1765 there was an heir-apparent to the throne, of tender years, and parliament made provision for the possible demise of the Crown. But yet the subject was so far involved in difficulties, and the circumstances, however near to each other in point of time, were considered so dissimilar in character, that parliament thought it necessary to make a great difference in the arrangements. By the Act of 1751, parliament appointed the Princess Dowager of Wales guardian of the infant

prince her son, and Regent of the kingdom, in the event of a demise of the Crown. In 1765 parliament empowered George III. to name the person who should be the guardian of his son, and Regent of the kingdom, restricting his choice to certain individuals. I only refer to these precedents, however, to show, not that they ought to be followed, but that, from the difficulties which presented themselves in the progress of them, they proved that the subject was deserving of the most serious consideration. It will be admitted at once, that to make a permanent provision now, in order to guard against all possible events, and against all contingencies which might happen to the heir-apparent, to make, I say, any permanent provision against a possible state of things, and which would accommodate itself to all possible circumstances, would require the most serious and grave consideration. But then I am asked, "Is there no risk in leaving the case wholly unprovided for till the next meeting of parliament?" To that I answer, that, at the early periods of our history, there are various instances of infant sovereigns coming to the throne of this kingdom, for whose protection no legislative measures had been previously taken. I could name Henry III., Richard II., and Henry VI.,—all of them infant sovereigns—none above eleven years of age—one not a year old; and yet parliament made no provision for a Regency, but, after the accession of the sovereign, appointed persons to govern the kingdom till the infant king had arrived at those years of maturity which the Act appointing the Regency had prescribed. Since the Revolution, in 1751 and 1765, different courses had been pursued; but in neither of these cases was there a provision immediately made for the event of a minority. In 1765 no steps were taken till three years after the birth of the heir-apparent. The late king was born in August, 1762, but it was not till 1765, three years afterwards, that the precaution of appointing a Regency, in the event of a demise of the Crown, was taken. I cannot find that George III. ever acted upon the powers contained in that Act. Sir, this is a delicate subject, but I hope I treat it with the delicacy which becomes us all, though we feel the necessity of doing our duty. But, let me fairly ask, where is the risk of postponing this measure to the next session? In the reign of George III., it was postponed for three years; and in the reign of George II. nearly ten weeks were suffered to elapse, after the death of Frederick, Prince of Wales, before any Act was passed for the Regency; of course, under the sanction of that precedent, there can be no necessity for making any provision for a Regency in the interval between the end of the present session and the meeting of a new one. In case such an event should unfortunately happen, as the demise of the Crown, I apprehend that the infant queen would have full power to give her assent to any Act of parliament appointing a guardian for herself, and a Regent of the kingdom, and that in a manner as binding as if it were signed by a sovereign of full age. But, Sir, still it has been thought by those who admit the importance of giving full consideration to the permanent settlement of the Regency, that some temporary provision ought to be made, to give some one of mature age the power of consenting to an Act of parliament for appointing a guardian for an infant Sovereign and Regent of the kingdom. Upon that head too, Sir, all I shall say is, that, after having given to it the best consideration which was in my power, I would press upon the House the impolicy of discussing any such plan. I will not now detail the circumstances which influence my opinion; but it must occur to every one, that any temporary arrangements, which would have the effect of fettering the future and final decision of this question, must be very inconvenient; and the appointment of an individual with such authority, for ever so short a time, and, above all, if the event to be guarded against should occur, would very much impede and embarrass any future arrangements as to the settlement of the Regency question. It must be always the paramount interest of the country to have the matter permanently settled. And having now, Sir, treated of the various views in which this very delicate matter has presented itself to his Majesty's government, and having shown enough to explain the motives of that government why it disapproves of any temporary provision for a Regent being now made, and why it advises the postponement of a permanent provision till the subject can be better discussed and more looked into, I don't know that I can offer any other considerations to the House to induce it to agree in the terms of this part of the Address. I shall, therefore, proceed to state what is the course of public business which his Majesty's government propose to recommend, should the House

of Commons agree to the Address which I shall have the honour to submit. That Address will of course assure his Majesty, that the House will, without delay, make temporary provision for the public service in the interval which must elapse between the dissolution of this parliament and the assembling of the next. Assuming those parts of it to be agreed to, then comes the question, what course is to be taken with respect to the public business? If it be determined that a dissolution is to take place, and the House is willing to perform its part as stated in the other branch of the Address, by making a temporary provision for the public service in the interval between the two parliaments;—both these points being conceded, I think the House will be unanimous in agreeing that the sooner we despatch the public business, consistently with the public interests, and with the several measures of great public importance which are now in progress before the House, the better. Under circumstances like these, it is hard to lay down any rule which can guide us in the course we ought to take. With so many measures, and so many of them of such great importance, as we now have unfinished before us, it is hard to expect the concurrence of all parties to any course ministers may suggest; but I do hope, that, under the peculiar situation of the government, occasioned by the demise of the late Crown, gentlemen will extend as much indulgence as they can, consistently with their public duty, to our proposals for the despatch of public business. One rule of our proceeding, in case we agree to go on, shall be to avoid every thing which is likely to provoke discussion, and to forego every measure which is likely to lead to much detailed illustration. After the expectations which were held out to the country by my right hon. friend at the beginning of the session, and more particularly to the lower classes, of relief by the remission of the beer duties, I think it will be the opinion of this House, and of all parties, that the measures which had for their object the carrying these views into effect, and the other measures connected with them, which have not been brought to a conclusion here, the public interests require that these should be passed immediately. Although the bill authorizing the sale of beer on the premises, and the other bill for remitting the duties upon beer, have not kept pace in this House, the one being at the second, and the other at the third reading, yet I think the House will concur with me in the attempt to pass these bills together. There is also another bill, which is not much known, and has not received much consideration in this House, though it is absolutely necessary, as a foundation for every sort of legal reform—I mean the bill for disposing of vested interests in patent offices in courts of justice, in themselves the greatest obstruction to legal reforms: this ought, I think, to be passed also. For, Sir, though we never venture upon any change in the constitution of the courts without taking into account the reasonable claims of persons entitled to compensation, yet these patent rights are great stumbling-blocks in the way of reform, and they must be removed before reform can be effected. I propose to take all these into the hands of the Crown, as a preparatory step to the equalization of the fees in the different courts; for, so long as the fees in the court of Exchequer are three times as much as in the King's Bench, one cannot wonder that the business flows unequally into the latter. The bill for abolishing these privileges stands for the third reading, and I propose that it be passed without delay. With respect to the spirit duties bill, which is before the House, the House will recollect that it was at an early stage of the session proposed by my right hon. friend, as an indemnification to the revenue for the losses which it would sustain by the remission of the leather and beer duties, to impose a duty of 6d. a gallon on British and Colonial spirits, and we think it our duty to press upon the House the propriety of carrying that plan into effect. But the passing of these measures will make it necessary to consider the condition of the whole of the West-India interest, to which we should wish to give all possible attention. [*Some member suggested that this should be postponed till next session.*] I wish Gentlemen to understand, that by the delay of four or five days we are already in a curious situation, and that no more time ought to be lost in settling the question, for the sugar-duties will expire on Monday next. I hope Parliament will not suffer them to expire before they have substituted some others in their room, for so large an amount of revenue cannot be given up; and, short as the interval is, I do hope that the House will concur with the government in re-enacting those duties before the period when, according to law, they would cease. This is not a time for going into detail on the subject; but as they will expire on

Monday, and as the late scheme of the chancellor of the exchequer has been severely contested in the House, and passed by no very large majority, it is impossible that we could call upon Parliament, without great deliberation, to adopt that scheme of duties. It is therefore, to be abandoned [laughter]. Sir, if there be any ridicule attaching itself to those acts of our public duty, I undoubtedly am here to bear my share of it; we advised the measures from a sense of public duty, and from the same feeling we now withdraw them. We have tried to confer some benefit upon the West-India interest, which has not been very graciously received by it; and since, in retaining the additional duty upon rum, which is, after all, only equal to British spirits, we seem called upon to realize the benefit which was promised to that distressed interest, we propose some reduction of the duties upon sugar; and, because of the shortness of the time, it is proposed that the alterations be of the simplest kind. As the resolutions are not now before us, this is not the time to discuss them in detail; and I shall confine myself to stating, that it is the opinion of practical men that the schememight have been carried into effect. For my part I see none of the difficulties which some hon. members have been pleased to point out. However, in order to get over these difficulties, and give relief to the West India interest, we mean to make a reduction in the sugar duties, but that reduction shall be uniform and absolute. The reductions which we propose to make are a reduction of 3s. per cwt. upon West India sugars, and of 5s. per cwt. upon those of the East Indies. This is as great a boon as we can give to the West Indies. The loss to the revenue from these measures, supposing them to be passed into a law this session, will be explained in the statement which I am about to make, one side of which shows the amount contributed to the revenue by the additional duties, and the other the loss sustained by the remission of duties. The revenue then will suffer—

On account of the remission of the beer duties, a loss of.....	£3,000,000
The duties on leather	300,000
Remission of the sugar duties.....	450,000
	<hr/>
Total loss.....	£3,750,000
By the additional duties on spirits, British and Colonial, it will gain.....	£600,000
	<hr/>
Leaving a nett loss to the revenue of.....	£3,150,000

which will be three millions gained by the people.

I have also to state, for the gratification of the hon. and learned member opposite (Mr. O'Connell), and other members for Ireland, that it is not our intention to proceed with the bill for the consolidation of stamp duties in Ireland. We are willing to give up every contested thing, and to sacrifice any principle which may be involved in order to avoid debate. There will remain then to be passed the Appropriation Bill for the votes of the present session. We propose that the House of Commons shall vote a sum on account of the estimates not passed; and under the head of the civil list we ask for some provision to meet the circumstances of the new reign, taking into account the expenses of a queen consort. But we ask nothing which may fetter any decision hereafter, and what we ask is only for the interval between the conclusion of the present session, and the beginning of the next session. What I propose is, a vote on account, not for a whole year, but for such a limited time as circumstances render necessary. I have thus, as briefly as possible, stated my views as to the course which it appears to me most expedient to adopt at the present juncture. I cannot, however, conclude without earnestly expressing a hope that the House will concur with me in the propriety of passing some few measures, in favour of which the House has already expressed its opinion. Among these is the bill with respect to the administration of justice. It will be recollected that the sense of the House having been taken upon the question of the Welsh judicature, an alteration of the existing system has been agreed to, after full and repeated discussions. As to the bill for appointing a new judge in the court of chancery, and the bill for regulating the offices of the master and registrar, his Majesty's ministers think that they should not duly consult the feelings of the House, if they pressed those measures

during the present session of parliament, and they are, therefore, willing that further time should be allowed for taking them into consideration. These are the arrangements which ministers consider, upon the whole, most conducive to the general interests of the country. We have advised his Majesty to seek for a temporary provision for the public service during the interval between the conclusion of the present session, and the assembling of a new parliament. I have now plainly and concisely explained the course which the government proposes to pursue in case the House of Commons shall acquiesce in the address which I have now the honour to propose; I shall therefore move it, Sir, which is all that remains for me to perform; and which I hope will meet the approbation of the House.

The right hon. gentleman accordingly moved the following address, precisely similar to that which had been moved by the Duke of Wellington, in the House of Lords, on the preceding day:—

“That an humble Address be presented to his Majesty, to assure his Majesty that we fully participate in the severe affliction his Majesty is suffering, on account of the death of the late King, his Majesty’s brother, of blessed and glorious memory.

“That we shall ever remember with affectionate gratitude that our late Sovereign, under circumstances of unexampled difficulty, maintained the ancient glory of this country in the war; and during a period of long duration, secured to his people the inestimable blessings of internal concord and external peace.

“To offer his Majesty our humble and heartfelt congratulations on his Majesty’s happy accession to the Throne.

“To assure his Majesty of our loyal devotion to his Majesty’s sacred person, and to express an entire confidence, founded on our experience of his Majesty’s beneficent character, that his Majesty, animated by sincere love for the country which his Majesty has served from his earliest years, will, under the favour of Divine Providence, direct all his efforts to the maintenance of the reformed religion established by law, to the protection of the rights and liberties, and to the advancement of the happiness and prosperity, of all classes of his Majesty’s faithful people.”

Lord Althorp having offered some observations on the speech of the right hon. secretary, moved as an amendment, that the further discussion on the question be adjourned until to-morrow.

Mr. Brougham seconded the amendment.

SIR ROBERT PEEL, in reply to Sir C. Wetherell, rose to deny, that he had offered any such compact to the House as the hon. and learned member for Plympton asserted. Nothing was farther from his wish than to have the statement which he had offered to the House considered as either a bargain or a compact. He had been requested to state what measures government intended to postpone, and what measures it still intended to prosecute this session. In compliance with that request, he had stated the business which ministers proposed to press to a conclusion this session, but he had not done so with any view of compromising the wishes or opinions of any member in that House.

After a protracted debate, involving an extensive variety of subjects,—

SIR ROBERT PEEL begged to recall the members to a consideration of the real question before them. The question was, whether they should reply to the message of his Majesty, declaring themselves ready to facilitate, as far as in their power lay, the despatch of the business of the session, according to the royal wish; or whether they should take twenty-four hours longer to deliberate on the course they might ultimately adopt. Now, he could not desire any better answer in support of the address, than that which was contained in the amendment of the noble lord. They had already had twenty-four hours to consider what they were to do, and the Amendment required twenty-four hours longer. That was the question. They required twenty-four hours longer, to consider that reply to his Majesty which every man knew was already determined on. Could any man doubt, at the time the message was brought down and read, that it was plain from its language the answer must correspond to its wish? Could any man doubt that it contained no allusion to a proposal for a Regency, and therefore that there was nothing of that kind on which it was necessary for members to make up their minds? But what said the learned member for Knaresborough (Mr. Brougham)? Why,—that the whole of the people of this country had for six weeks past been considering the

question of a Regency. If that were the case, surely then the members of that House had made up their minds on the subject, and were competent to decide the question of a Regency or not a Regency, without requiring twenty-four hours' longer deliberation. The proposal on the subject of a provisional regency seemed to be abandoned by all parties. What, then, he asked, were they now called on to decide? Why, that they should, as quickly as possible, go over those votes which were necessary as a preparation for an immediate dissolution, and that they should inform his Majesty they were disposed to comply with his wishes in that respect. His right hon. friend the member for Montgomery (Mr. C. W. Wynn) had, however, called on the House to decide, not that point, but other questions, which for a thousand years had not been decided in this country. The right hon. gentleman called on them to decide the question of whether the heiress presumptive was to be queen at the time when the Queen Consort might probably have issue. A question which, although it might have frequently occurred, had yet remained, he repeated, undecided. This was the question, however, which the right hon. gentleman, the member for Montgomery, would allow the House a few days to determine. Here, however, he recollected another specimen of the objections to the address; it was the objection of the right hon. member for Liverpool, that the debate had been taken on a Wednesday. So, because the king died on a Saturday, and that circumstance prevented the communication from the throne being made before Tuesday, they were at this period of the session not to enter on the discussion of most important public business because it was fixed for Wednesday. He confessed it appeared to him that his right hon. friend had to-night as well as on many other occasions, forgotten he had once been in the service of the Crown. There was scarcely one occasion in the course of the present session, whether in describing the state of trade, the distresses of the people, or the consequences of a particular course of policy, that the right hon. gentleman did not cast into oblivion the fact that for more than twenty years no man had been more closely connected with the government, no man had exercised a greater influence over its decisions, than he. If his right hon. friend found such objections to the course now pursued, and condemned it so strongly, how came it that his right hon. friend had, in his capacity of Privy Councillor, given his consent to the very same course in the year 1820? What did the Crown require on the present occasion? A concurrence in its wishes with respect to the despatch of business, in order that it might exercise its undoubted prerogative. The Crown asked the House for no opinion on the course it proposed. Its power to make this use of its prerogative was undoubted; but the House might, nevertheless, as in the case of the continuance of the sugar duties, exercise its privileges to control the exercise of that prerogative. The question, as he said before, was not, therefore, whether they should wait twenty-four hours to deliberate on that question on which every man had already made up his mind; but whether they should adopt the views of the Crown, or refuse to allow the exercise of the royal prerogative until a Regency were appointed. He did not complain of those who had framed the amendment in its present shape. However opposed to the real common-sense question they had to determine, it was a perfectly legitimate method of opposing the proposition of the government. He begged those who contended for the immediate appointment of a Regency to recollect, however, that even supposing the Crown were to devolve on the Princess Victoria, the responsibility of his Majesty's Ministers, in the appointment of a regency, would remain the same, and no difficulty would occur in a case of that kind more than at present. He knew he might be told of the power of the Crown. There were cases certainly in which that power could be exercised to produce strife in the country; but every one knew that all real power was exercised under the responsibility of the ministers, and that the House of Commons, by the stoppage of the supplies, could always compel them to adopt that course which the necessities of the country demanded. He entreated the House, therefore, to go to the vote on the real merits of the question—on the propriety of complying with the wishes of the Crown, and reposing a just confidence in his Majesty's ministers; and not to be deluded by an amendment which professed to require twenty-four hours for the consideration of a question already fully determined on.

Mr. Huskisson was proceeding to deny that he had ever forgotten his duty as a Privy Councillor, when,—

Sir Robert Peel explained, that he had not said any thing of that kind. All he wished to express was, that his right hon. friend had frequently forgotten this session that he had ever been a minister of the Crown.

Mr. Huskisson said, he was unconscious of having acted with the forgetfulness imputed to him; but he bowed with great humility to all lessons received from his right hon. friend on the subject of inconsistency.

After some further discussion, the House divided: For the amendment 139; against it 185—majority 46.

On the question being put on the original address, Lord Althorp said, in his opinion the House had been called upon to decide this question without due notice; and the amendment which he had already moved had expressed his view on the subject. He should now move an amendment to the address itself, which he did to the following effect:—"That an humble address be presented to his majesty, to represent to his majesty that we acknowledge, with every sentiment of gratitude, the communication which his majesty has been pleased to make to his faithful Commons; that his faithful Commons acknowledge as a proof of his majesty's anxiety for the public welfare his majesty's gracious determination that, in consideration of the advanced period of the session, and the state of the public business, he feels unwilling to recommend the introduction of any new matter, which would admit of postponement without detriment to the public service; and his faithful Commons feel it to be their duty to state, that if his majesty, taking the present circumstances of the country into his consideration, should contemplate some provision for guarding against the danger to which the country might otherwise by possibility be exposed, his faithful Commons are ready to take into their consideration such measures as his majesty may be pleased to recommend for this purpose; that his majesty's faithful Commons are at all times ready to assist his majesty in the execution of all public services, and to facilitate the dissolution of parliament whenever it shall appear to his majesty to be requisite for the benefit of his people; and they trust that the furtherance of his majesty's wishes will be most effectually provided for, by diligently carrying through that portion of the ordinary business of the session which still remains incomplete."

Sir Robert Peel did not mean any disrespect to the noble lord; but as the debating this amendment would only be going over the same ground again, he should content himself with generally opposing it.

Mr. Brougham, in a speech of severe animadversion on the conduct of ministers, used nearly the following words:—"We can perceive, Sir, in this country as in that (France) that the day of force is over, and that the minister who hopes to rule by an appeal to royal favour or military power, may be overwhelmed, though I in nowise accuse him of such an attempt. Him I accuse not. It is you I accuse—his flatterers—his mean, fawning parasites."

Sir Robert Peel: I ask the hon. and learned gentleman, as I am one of those on this side of the House to which he is referring, whether he means to accuse me of such conduct? The hon. and learned gentleman addressed himself to this side of the House, when he said, "I mean to accuse you—his flatterers—his mean, fawning parasites." I am sitting on this side of the House; and, speaking in my own individual capacity, I ask him whether he presumes—whether he presumes to call me the mean and fawning parasite of any body?

Mr. Brougham rose amid some cries of "Chair, chair!" How it is possible, Sir, for you to answer the question that has been asked, I do not know. I am not aware how you, by any possibility, can answer a question that has been put to me; but I observe that it is reckoned much easier on that side of the House to have the question put, and then, by a cry of this sort prevent the answer being given. Now, Sir, I beg to answer the right hon. gentleman's question by a question of my own. I ask him whether, in the course of the last two or three sessions, I have ever treated him so disrespectfully as he, for the purpose of putting this question, chooses to consider the case? I ask him whether he has perceived in my conduct, in word or deed, during the last two or three sessions, the slightest tendency towards treating him with personal incivility or disrespect? Sir, I anticipate the right hon. gentleman's answer, and it is in reply to the question which he has demanded of me. Sir, it was impossible that I should allude to him, but what I did allude to was the votes passed,

and the resolutions come to, and the cries uttered, all of which I have as much right to canvass as hon. members had to make them. An equal right, too, I claim to comment on the character and conduct—or at least, if not on the character, on the political and official conduct of any one of the ministers to whom the crown is pleased to give its confidence. This, Sir, is my undeniable right; and if, in the course of my comments, I am interrupted by cheers, the meaning of which is as much as to say that those comments are contemptible and unfounded, it is also my undeniable right to impute that interruption to what I please. Let me be understood; I do not ascribe motives, but I ascribe tendencies. It was tendencies that I ascribed. I am in the judgment of the House that I said it was the parasite—*pessimum genus inimicorum*—that did the mischief. I have a perfect right, Sir, to challenge the conduct of any minister that the crown may please to appoint; and if any minister be defended in an unconstitutional manner, it is my privilege, it is my right, nay more, it is my bounden duty, to attack and expose him, and that shall ever, while I have a seat in this House, be the course which I shall adopt. It is at the same time the course of conduct which it behoves this House to pursue; and I warn his majesty's ministers, that such a course will always be adopted, and that it will be their interest, and their best and safest policy to expect and lay their account to seeing it adopted.

Sir Robert Peel:—Sir, I have no right to speak at this moment; but I trust that the House will permit me to say a few words (I trust in perfect good temper) in allusion to that part of the hon. and learned member's speech in which he referred to my interruption of his observations. I do not suspect that he offered to myself these personal comments of an unjustifiable nature. I do not believe that it was his deliberate intention to offend any one by their use; but at the same time I must say, that it would have been better for him to have withdrawn the expression altogether, to have said that it was uttered in the warmth of debate, rather than to attempt, in this unsatisfactory manner, to justify it. No one has contested his perfect right to attack ministers for their public conduct; but he said, "if the Duke of Wellington should resort to intrigue or employ force," and at that word, Sir, a cheer was given, on which the hon. and learned member turned around and said, "Do I accuse him of this? No, Sir, no such thing—I accuse you, his fawning parasites"—and then there was a cheer of indignant remonstrance at an attack thus made, and then declared to be meant, not as against the minister, but against his fawning parasites. Now, giving the hon. and learned member every advantage of the right of free discussion, I must say that he has no right to accuse men as honest, independent, and upright as himself, of being parasites. Sir, it will be bad indeed if we are not able to conduct these debates, which naturally lead to sufficient asperity of expression and warmth of feeling, without these personal imputations. These words, Sir (for I will make the apology and retraction, for the hon. and learned gentleman) were not meant to apply to any one—they were not meant to apply to me; the hon. and learned member said so himself, and I am sure that his feeling of honour and candour will acquiesce in the statement I now make, that they were uttered in the warmth of debate, and without reference to any individual application.

Mr. Brougham:—I have no hesitation in saying, that the right hon. baronet is quite correct. I did not charge any member more than himself with being a parasite. I was myself offended that I was suspected of applying the words to him. They were not deliberately directed to any individual. All that I did was to state my feelings in language perhaps a little warmer than usual. I will only add, that what I said of parasites is in fact true; and that the worst sort of enemies a man can have are those who obsequiously call themselves his friends.

After some farther remarks by Mr. Dundas and Mr. Brougham, Mr. Huskisson suggested the propriety of allowing the further consideration of this question to be postponed for twenty-four hours.

Sir Robert Peel could not consent to that postponement.

The House divided: for the amendment 146—against it 193; majority against the amendment 47.

The original address was then put and carried.

LABOURERS' WAGES BILL.

JULY 1, 1830.

A debate arose on the order of the day having been moved for the resumption of the adjourned debate upon the amendment proposed to be made to the motion of the 23rd of June—"That this House do agree with the Committee in the first Amendment made by the Committee on the Bill;" which amendment was, to leave out from the word "that," to the end of the question, in order to add the words, "the Bill be re-committed" instead thereof.

Mr. Hume, Mr. Littleton, and Mr. Alexander Baring, having spoken,—

SIR ROBERT PEEL observed, that the hon. member for Aberdeen had asked him, why he did not include this among the bills to which he had on a former occasion referred? When he had spoken the other night, it was of the bills the government meant to carry forward; and it came to that resolution because, if those bills were not passed, it would leave the country in a worse state than before. The truck-system, as had been said by an honourable member opposite (Mr. Baring), had a tendency to debase the labourers, and was objectionable because they alone who adopted it were benefited by it; although they obtained that benefit by evading the operation of the law. He knew that the hon. member for Aberdeen was an able advocate for the poor man, but he could not go the whole length with him in his argument. The hon. member said, that every man was the best judge of what was for his own interest, but that maxim had been carried into execution in reference to the passengers who were allowed to go out to Canada; and the House must recollect the horrible scenes which ensued in 1828, and which compelled the House to limit the numbers, and to lay down rules to prevent a too great number of persons from following in this particular what they might consider their best interests. With regard to these poor workmen, it would be, he thought, better to take them under the protection of the legislature, and rescue them from their present state of degradation, than leave them to be the prey of the truck-master. He believed that it was wise to repeal the combination-laws; but when the hon. gentleman said that unmixed good had arisen from that step he went too far. In the manufacturing districts, committees were formed, and a system existed of preventing men from working except at a certain rate of wages. It was not, he admitted, against any provisions of the law that such committees were formed; but although they did not openly dictate the rate of wages, yet they had amongst them an understanding upon that subject, and persons were appointed as spies, to ascertain that no one worked for less wages than that which was agreed upon in the committee. By this means, although in an indirect manner, a system of intimidation was kept up; and an evil was created very difficult to guard against. The hon. gentleman said, that there had been no discussion upon this bill, and yet he had heard him deliver what he regarded as a very able speech, which lasted not less than three-quarters of an hour, in which he advanced many arguments against the principle of the bill. He could not understand why any hon. gentleman should not be able to compress all which it was necessary to say upon the principle of a bill of that kind, within a speech of three-quarters of an hour. Some of his hon. friends near him said, that the hon. member's speech occupied an hour and a half. At all events, whether the hon. member spoke an hour and a half, or only three-quarters of an hour, he had occupied time enough to say all that was necessary upon a bill of this kind. [Mr. Hume admitted that he said all that he wished.] Then why require a postponement? Surely there could be no use in travelling the same ground over and over again, when all argument was exhausted. When the House came to a decision on the principle of this bill, there were forty members on one side, and only four on the other—a sufficient indication of the feeling of the House upon the subject; and, as it was highly desirable that the measure should be carried through before the close of the present session, he hoped it would be allowed to go through that stage to night.

Colonel Davies did not mean to occupy the House for an hour, or for three quarters of an hour, as all he wished to say was, that he regarded this bill as erroneous in principle. The hon. member for Stafford admitted that there would be no

objection to a workman purchasing goods at his master's shop, provided he were first paid in money. If that were to be allowed, what good could possibly arise from the man's having been paid in money? He would still have goods of an inferior quality palmed upon him at a high price, and consequently no advantage could possibly result to him. But, not to occupy the time of the House at that late hour, he would only say that the whole question appeared to him to be of such serious importance, that it required some further consideration; and he agreed with the hon. member behind him, that it should be allowed to stand over until the next session. In his opinion, also, a committee should be appointed to enquire into the whole subject.

After some farther discussion the amendment was withdrawn, and the House went into a committee on the bill. On a division in the committee, however, there were found to be only thirty-five members present, and the House was in consequence counted out.

REPORTS OF PARLIAMENTARY DEBATES.

JULY 2, 1830.

In a debate which arose on the presentation of a petition, by Lord Morpeth, from the letter-press printers of London, praying for a reduction of the duties on newspaper stamps and advertisements,—

SIR ROBERT PEEL, rising after Mr. E. Davenport, assured that hon. member that he had no power to direct that the speeches of ministers should be reported, and that the speeches of persons opposed to them should be suppressed. He must say that the reports of the proceedings of that House were given with singular correctness upon the whole, and, what was still higher praise, with great impartiality. He very much doubted the policy of that arrangement which the hon. gentleman had suggested, that every word uttered in that House, and the exact terms of every sentence, should be faithfully and accurately reported. On the whole, he did not think there was any reason to complain of the manner in which the speeches in that House were reported. Indeed, he considered that a very wise and useful discretion was employed in lopping off some of the superfluities which were uttered. Besides, the arrangements suggested by the hon. gentleman would lead to reporters being paid at the public expense. He was of opinion that hon. members—and he included himself in the remark—would gain nothing by having every word spoken in the House reported. That would neither be advantageous to the public, nor very creditable to themselves.

Towards the close of the discussion,—Sir Robert Peel begged to state, in reply to the hon. member (Mr. Davenport), who seemed to think that he was pleased at having his speeches fully reported, that he was very glad that his speeches were not always reported verbatim.

SUPPLY—FOUR AND A HALF PER CENT. DUTIES.

JULY 2, 1830.

On the motion of the Chancellor of the Exchequer, for the House to resolve itself into a Committee of Supply, Sir James Graham rose to submit a motion to the House relative to the four and a half per cents. At the close of a speech of considerable length, the hon. member moved the following Resolution, as an amendment on the original motion;—"That the Sugars, the produce of the Four and a half per cent Duty, levied in the Islands of Barbados, Antigua, Montserrat, Nevis, Tortola, and St. Christopher, have for a great number of years been sold in the like manner as all duty-paying sugars from the British plantations are usually sold in this country, namely, at the long price, in which is included the duty of Customs payable on sugar; and that there has been no difference in this mode of sale since the date of the Treasury minute of the 15th of April, 1828. That the said sugars have been uniformly entitled to the drawback or bounty payable by law on duty-paid sugars, and

that there has been no difference in this respect since the date aforesaid. That the drawback or bounty on any such sugars exported since the date aforesaid, has been paid out of the revenue of the customs, into which no duty has been paid on account of such sugars. That the nett proceeds of all moneys received on account of his Majesty's revenue of customs ought by law to be paid into his Majesty's Exchequer, to the account of the Consolidated Fund. That these duties virtually levied on the purchasers of the said sugars since the 25th of March, 1828, have not been paid into his Majesty's revenue of Customs, and have been appropriated without the cognizance or consent of Parliament. That this House, having called for an account of the appropriation of the nett proceeds of the four and a half per cent duty, for the year ending 5th of January, 1830, an account was furnished, by which it appears that the pensions paid by the husband in that year amounted to £20,890 : 1 : 4 ; that the salaries and other charges amounted to £1,502 : 5 : 11 ; that the salaries and pensions paid at the Exchequer amounted to £20,412 : 16 : 1, making a total of £42,805 : 3 : 4 ; and it further appears, that the nett proceeds of the said duties for the same year were £61,059 : 16 : 2, leaving a balance of £18,254 : 12 : 10 not accounted for by the said return. That the nett proceeds of the said duties for the year ending 5th January, 1829, were £66,992 : 15 : 1. That no part of the surplus arising from the nett proceeds of the said duties for the years ending 5th January, 1829 and 1830, after paying the pensions, salaries, and charges thereupon for the said years respectively, has been appropriated to the payment of the Ecclesiastical Establishments in the West Indies; and that no account has been rendered to Parliament of the manner in which such surplus has been applied. That to exempt from duty any article of merchandise imported for the Crown, but not intended for the use of the Sovereign, is an extension of the King's prerogative of dangerous example, and that to levy the parliamentary duties payable upon such article when sold for home consumption, and to appropriate the amount thereof without the knowledge and consent of Parliament, is an unconstitutional violation of the undoubted privileges of this House."

After a reply from the Chancellor of the Exchequer, and some remarks from Mr. Hume and Mr. Huskisson,—

SIR ROBERT PEEL rose. The question, said he, which is now under the consideration of the House lies within a very narrow compass. If there be any doubt as to the appropriation of these funds, let any individual move for any returns, I care not of what nature, which he conceives likely to throw light upon it, and I will gladly second his motion for their production. I say that there has been no misappropriation of them. But at the same time I admit that it is only right that parliament should be put into possession of every official guarantee that there has been no misappropriation. My right hon. friend, the member for Liverpool, says, that the proceeds of these duties for two years have been £128,000. My right hon. friend is wrong: they will amount to that sum. but the sugars are sold, as he well knows, at a long credit, and as yet no part of the purchase money for those sold this year has been received; so that, from my right hon. friend's £128,000, £61,000 must for the present be deducted. If there be any doubt upon that point, let any man, I repeat, call for the official guarantees which will remove it, and I will immediately grant them, if it be in my power. There is no ground for the censure which the hon. baronet's resolutions cast upon ministers; for, in point of fact, no new charge had been fixed upon these funds. They are already regulated by law, and the proceeds of these sugars, with the remission of duty, will, *pro tanto*, go to the Consolidated Fund in case of a surplus.

The Chancellor of the Exchequer, in consequence of an observation of Mr. Huskisson's, the purport of which was not understood, interposed to explain. The Act of parliament stated that the surplus of these funds should go to defray the expense of the Ecclesiastical Establishments, which was before defrayed out of the Consolidated Fund. The Treasury minute authorized the payment of that expense from the Consolidated Fund, directing the proceeds of the four and a half per cents. to be paid to that fund: so that, in point of fact, the Ecclesiastical Establishments are ultimately paid out of the proceeds of the four and a half per cents.

Sir Robert Peel, in continuation, said, that such was his understanding, and such, he believed, was the understanding of the House. With regard to the other part of the question which the hon. baronet had raised that evening, he thought

that he (Sir R. Peel) had a right to complain. It was now a fortnight since his right hon. friend, the Chancellor of the Exchequer, had prepared a bill in consequence of the pledge which he (Sir R. Peel) had given publicly to the House, that a legal enactment should be introduced, restoring the former practice with respect to these sugars. That bill would be submitted to their consideration in the course of the present evening. He thought that the circumstances which had occurred in the interval since his right hon. friend had first mentioned this bill to him, would account for the delay which had taken place with regard to its introduction. When he read to the House, on a former evening, a list of the measures which he thought it necessary to abandon for the present session, and also a list of those which he thought it advisable to carry through the House, the reason why he did not include that bill in the latter list was, that he had drawn up both lists from the Orders, and that that bill had not then been inserted in them. He would remind the hon. member for Cumberland of the private communication which took place between them on the 4th of June last, when he told the hon. member that it was the intention of ministers to bring in a bill to restore the former practice, and levy the usual duties on all goods imported for the Crown. After such a communication, he did not expect to find the conduct of ministers made the subject of a hostile motion by the hon. baronet, who ought to have previously ascertained, by a private communication with him, whether ministers were inclined to redeem the pledge which they had given, or not. He should most willingly have given the hon. baronet an answer in the affirmative if he had condescended to ask for it. It was placing ministers in a very unfavourable situation, if, after they had, in private communications, afforded hon. gentlemen every information in their power, they were still to be made the objects of hostile motions. It would be better for them not to hold private communication, than to be liable, after they had granted all the information in their power, to the attacks of hon. members, who persevered in complaints after the groundwork of them was removed. It appeared to him that the hon. baronet had in this instance departed from that courtesy which he usually displayed. He trusted, however, that after the explanation which had been given by his right hon. friend near him, no hon. member would join the hon. baronet, should the hon. baronet persevere, which he hoped he would not, in doing an act of injustice for the mere purpose of inflicting a personal censure on the members of government.

After some explanations on the part of Sir James Graham, Sir Robert Peel, the Chancellor of the Exchequer, and others, Sir James Graham consented to withdraw his motion.

SUPPLY—IRISH ESTIMATES, &c.

JULY 2, 1830.

In a Committee of Supply, a debate arose on the resolution for granting to his Majesty the sum of £1,126,554, for defraying the charges of Miscellaneous Services in Ireland, the Army Extraordinaries, the Commissariat, the Civil Contingencies, and the Repairs and Improvements of Windsor Castle for nine months of 1830.

Mr. Spring Rice, Lord F. L. Gower, Mr. Brougham, and Mr. Maberley, having respectively addressed the chair,—

SIR ROBERT PEEL, in reply to Mr. Brougham, said, that in considering the argument of the hon. and learned gentleman opposite, he should treat of the two objections which he had made to this estimate, but did not mean to treat of them in the order in which they had been suggested. His second objection, that it would prevent them from entering into the Regency Question, deserved a primary consideration, as it was by far the more important. The other related merely to the form of the vote. He held in his hand the second communication that had been sent by that House since the late accession to the throne, in reply to a most gracious message from his Majesty [the right hon. baronet here read the address], which promised, in compliance with the royal message, to make temporary provision for the public service, and meet the immediate exigencies of the State without delay. Owing to the arrangement made on the occasion, an answer to such address had not yet reached that

House, but the purport of their resolution was of course immediately made known to his Majesty. How then, he asked, could they now think of doing what the hon. and learned gentleman proposed? How could they retract on Friday that to which they had assented on Wednesday? With what grace could they say that they had already changed their minds, and immediately press the Crown to recommend a Regency, by exercising the compulsory power which was given them by their control over the finances of the country? Would such a course, he put it to the candour of the House, be respectful to the Crown, or satisfactory to the people? Consistency required that they should refuse to adopt it, the whole House having been pledged by the act of the majority. At the same time it was competent for the hon. and learned gentleman to give a notice of motion on the subject if he thought proper. He doubted, nevertheless, whether any member of the late minority would now recommend such a proceeding. As to the form of the vote, he thought that all those with whom the argument already mentioned had no weight must approve of it, as thus taking a general vote for a limited time was a sufficient guarantee that Parliament would be assembled early, and the objection against voting on account was obviated by the clause in the Appropriation Act, which required that each item of the Estimates should be distributed according to what was due to it, instead of allowing the surplus from one to make good the deficiencies of another. On the whole, therefore, he submitted it would appear that government had resorted to the expedient best calculated to satisfy the scruples of the House, and least liable to objection.

After some remarks from Lord Althorp and Mr. Huskisson,—

Sir Robert Peel said, he should be very glad if there were any authority belonging to the ministers to procure a refractory House of Commons to side with them. But it was not possible for ministers to tell members that they should not bring forward motions, and give notices of motions; the members would do as they pleased, and he was afraid that he should not again see a tractable House of Commons. When his right hon. friend complained of the delay of business, he might, perhaps, recollect that he was in the ministry when the army estimates were debated for sixteen nights.

In reply to Sir Richard Vyvyan, who had spoken at considerable length,—

Sir Robert Peel said, the hon. baronet had requested that he would repeat the statement which he had made in an early part of the session, that the English government were in no way connected with the appointment of the Prince de Polignac as the head of the ministry in France. It really seemed scarcely necessary to repeat the denial of an assertion so absurd as that the government of this country would attempt to force a minister upon such a country as France; but as it might prevent the continuance of any delusion on the subject, he had no hesitation in doing so.

The resolution was agreed to.

LABOURERS' WAGES BILL.

JULY 5, 1830.

In a debate on the Order of the House for going into a Committee on this Bill, Mr. Hume was interrupted in a certain part of his speech, by the exclamation of "Question!" from Sir Robert Peel. At the close of Mr. Hume's speech,—

SIR ROBERT PEELE arose and said, he was sorry that, by any impatience on his part, he had been betrayed into such a want of courtesy as to call "Question;" but he could assure the hon. gentleman, that it was only meant as an appeal to him to consider whether he had not nearly exhausted his argument, and whether he would not, in the state of the session and of the House, attempt to compress what he had to say within as narrow limits as possible: by not doing that, a great deal of time was wasted. What did the argument of the hon. gentleman consist in? He said, "I am not unwilling that you should enforce contracts, and I think it an advantage that one man should undersell another." Enforce contracts! yes, but a contract by which a man was paid in truck could not be enforced, for it was to be decided by one party, and suffered by another, just as the interest and inclination of the first might dictate. If a man contracted to pay another 1s. for his labour, he could tell whether

he got a bad shilling, or whether he were paid 11*d.* or 12*d.*; but if the contract were for provisions, by what regulations could the legislature ensure the workman good articles? what rule would it abide by?

Mr. Hume said, across the table, "the market price."

Sir Robert Peel: the hon. member then admitted the justice of the rule, and said, take the market price if you please. But the market price of what?—if a man had cheese or bread of inferior quality, the market price would be inferior. The truck contract was manifestly to the advantage of one party, for that one fulfilled it as he thought proper. Persons engaged in the manufacture of cotton were not the best judges of the qualities of provisions; but having bought a stock, although they deteriorated, they still paid them away to their workmen, who, having entered into a contract to receive provisions, had no tribunal to which to apply for relief. This was a radical, a fatal objection to the system; and when the hon. gentleman said, that it was against all principle to interfere in this manner, would he say why we had any regulations with respect to weights and measures, when, according to his doctrine, every one ought to be left to weigh and measure as he pleased? Again, with respect to the medical profession, why did the legislature throw difficulties in the way of incompetent persons acting as surgeons? why should it not allow any man who might wish to set up for a doctor so to do? for its not doing so, according to the hon. gentleman, must be against all principle. The general rule certainly was, to leave each person free to transact his own concerns in his own manner, and there ought to be special reasons to induce the House to interfere with them. Here the special reasons existed, and the question was, whether the advantages to be gained by special interference outweighed the advantages of abiding by the general rule. In his opinion, the truck system had a direct tendency to undermine the independence of the workmen. The doctrine of the hon. gentleman was, that to undersell at any rate, and by any measure, was an advantage to the community. That he denied, and he affirmed, that when one man was able to undersell another upon profits derived from extorting the comforts of the workmen, he accomplished it by a positive disadvantage. The great evil of the present day was a tendency to diminish the enjoyments of the poorer classes—to lower them in the scale of society—and widen their separation from the upper classes; and he could conceive nothing more likely to reduce them to a state of servitude than that their master, who might be getting £8,000 or £10,000 a year by his manufactory, should take from them £2,000 or £3,000 more, by dealing in bacon and cheese. He hoped that if this bill were lost by the means which the hon. member possessed, and might use, to defeat it, that the working classes would understand that it was he who was responsible for the consequences.

The House went into a committee, discussed several clauses of the bill, reported progress, and obtained leave to sit again.

ANSWER TO THE ADDRESS.—THE REGENCY QUESTION.

JULY 6, 1830.

SIR ROBERT PEEL laid upon the Table the Answer of his Majesty to the Address of the House of June 30th. It was to the following effect:—

"I feel grateful to you for this loyal and dutiful Address, and I thank you for the assurance that you will apply yourselves without delay to the making such provision as may be required for the public service, during the interval that may elapse between the termination of the present and the calling of a new Parliament."

Mr. Robert Grant then, pursuant to notice, moved, at the close of a speech of considerable length, "That an humble Address be presented to his Majesty, assuring his Majesty that, deeply affected by the gracious declaration made by his Majesty on his accession to the Throne, of his Majesty's attachment to the Constitution of these realms, we, his Majesty's faithful Commons, should not be doing our humble duty to his Majesty, if, amidst our general feelings of gratitude, mingled with our ardent prayers for the prolonged duration of a reign so auspiciously commenced, we omitted to make known to his Majesty the anxiety felt by his Majesty's loyal sub-

jects at the possibility of a misfortune which might deprive them of the blessings of his Majesty's paternal reign, and in its consequences endanger the best interests of the empire, that we are induced to lay the expression of this anxiety at the foot of the Throne, from the deep attachment which we feel to his Majesty, and his Majesty's august family, and from the conviction which we entertain that the safety of the state, and the stability of our institutions, essentially depend on the unimpaired exercise of the powers vested in the Crown as the first of the three Estates composing the Constitution of this limited monarchy. That under the impression of these sentiments we approach his Majesty with the dutiful assurance of our readiness to take into immediate consideration any measure which, in his Majesty's royal solicitude for the happiness of his people, his Majesty might be graciously pleased to recommend, in order to guard against the possible hazard of those evils which cannot but be apprehended from the demise of the Crown under the present circumstances of the succession."

In the course of the debate which followed, Sir Robert Peel said he could not help thinking, that the apathy which had appeared during this debate was an evidence that this was not a desirable period to enter on such a protracted discussion as must necessarily ensue, should the Regency Question be brought forward. If it were now commenced, it would probably be so far advanced at the end of August, that the bill might be got to the second reading, when neither the attention of the House, nor the number of members in attendance, would be such as the importance of the subject required. He could enter into the feelings of those who were in the minority the other night, who felt themselves included by the vote of the House, thanking his Majesty for being unwilling to recommend to them, at this advanced period of the session, and the state of public business, any new matter, and assuring his Majesty that the House would apply, without delay, to make temporary provision for the conduct of the public service during the interval between the close of the present session and the meeting of a new parliament. He could enter, he said, into their feelings, but that ought not to induce the House of Commons to contradict its own resolution. To the Address which the House had formerly agreed to, the Crown had that night returned an answer, and his Majesty thanked the House of Commons for its dutiful Address. If the motion were carried, they must go up to the Crown with a very different Address, which would require another answer. The Address moved by the hon. and learned gentleman could not, however, have the approbation of the House of Commons. It was hardly respectful to the Crown, after the king had communicated to the House of Commons that he had no intention to recommend to it the consideration of a Regency, or any other matter which would have the effect of delaying the proceedings of parliament, to vote an Address to compel the Crown to deliver a message which it declared it had no intention to deliver. It would be not a very auspicious commencement of a new reign for the House to oblige the king to do what he had declared he had no intention of doing. The proposal of his Majesty's government, to permit a sufficient time to elapse for maturely considering the proposal of the Crown, was reasonable and proper. He could conceive nothing more difficult than to determine what were the contingencies likely to happen on the demise of the Crown, so that they might be properly provided for beforehand. There were very many contingencies which might occur, and which it might be extremely difficult to provide for; and after exerting the utmost ingenuity in devising remedies, they might produce ten thousand times more danger than if the contingencies took place without the remedies. Some specific calamities, to which the Crown was subject, as well as private individuals, had been adverted to; and his hon. friend had instanced the calamity which had befallen Lord Liverpool, who was in the full possession of his health and strength, and in one short week was struck to the ground, and deprived of his mental faculties. But was it proposed to make provision for every possible contingency by which the exercise of the regal functions might be suspended? If not, what had the case of Lord Liverpool to do with the question? The House would recollect what had passed in the reign of George III. In 1788, when a calamity had visited the sovereign, proceedings were taken to provide a Regency. But did parliament think it desirable to provide against the recurrence of such an event? No; for in 1810 it did recur, and did not parliament find itself without any provision for that contingency? It did; and

why, after having obtained the knowledge that the royal faculties might decay, did it refuse to provide for such a future contingency? Because it would rather permit its recurrence than be guilty of the indecency and indelicacy of presuming upon the possible future derangement of the king. The hon. mover had stated eight or ten suppositions, and these only by way of sample. If the contingencies were so numerous, and the difficulty so great, was it decent, before the funeral of one king, to force his successor to deliver a message, requiring the House to consider all the contingencies? If the question were so complicated, let it be left to the Crown and its advisers to devote a sufficient time for its consideration. There were two contingencies which had been mainly dwelt on. The first was not a question immediately connected with that of a Regency, because it might occur when the heir-presumptive was not a minor; namely, when on the demise of the Crown there was an heir-presumptive, and also a Queen Consort who might be pregnant. The question in this case was, whether it were desirable to make any provision; and, if so, what provision? When he referred to this case on a former night, he had mentioned its having already occurred, and the possibility of its recurrence, and he then stated that the absence of a remedy was a strong proof of the conviction of the legislature of the difficulty of providing a satisfactory remedy, and of the necessity of mature consideration before any remedy was suggested. The hon. member for Montgomery (Mr. C. W. Wynn) had said that in this case, that of the existence of an heir-presumptive contemporary with a Queen Consort pregnant, was most important, and required to be provided for. His answer was, that that was a case of which there had been examples in our history, and that they had not been provided for; and therefore, before the subject were submitted to parliament, the Crown should have at least six weeks for considering it. He would content himself with taking all the illustrations he should have occasion for, from recent times; and taking the reigns of our monarchs from James I., reign by reign, the result was, that in almost every case, similar circumstances existed as at present. In the reign of James I. the case was similar, at least it was equally necessary for parliament to provide a similar remedy. There was a king in possession of the Crown, an heir-apparent who was a minor, and no provision was made for a Regency. In the reign of Charles I., at least for some period of his reign, the parliament might have felt a deep interest in regulating the succession to the Throne, nor were the contests between that prince and his parliament a reason why they should not feel such an interest. In the reign of Charles II. the king was married, but had no legitimate issue. There was an heir-presumptive (James II.) and a Queen Consort. Charles II. died, and the Queen Consort might have been pregnant. The heir-presumptive was of full age, and he begged to say, that the danger of a struggle was far greater when the heir, as in that case, had been accustomed to military service. In the reign of James II. this was the state of things. James, by his first wife, had two daughters, who were the heirs-presumptive. Thus, in every reign hitherto, a case might be found parallel to the present. In the reign of Anne there was something, if not parallel, at least analogous. During the lifetime of George, Prince of Denmark, Parliament made a provision as to the successor to the throne, who then resided abroad,—the Princess Sophia or George I.; but it made no provision for the possible case of the pregnancy of the reigning queen. Then came the case of George III., in which, for three years, the contingency might have occurred, and yet no provision was made: so that he did not despair of Parliament finding a remedy, if the contingency should occur; nor was Parliament so dependent on mere forms that it could not make a precedent. In the case of the abdication of James II., Parliament had found a remedy, as well as on the occasion of the mental indisposition of George III. God forbid that he should exclude all consideration of provisions against possible dangers; but they should be adopted after due consideration, and he could not admit, that at present the risk was so great as in former instances. In all instances prior to the Reformation, no regent was ever appointed till after the demise of the Crown. His hon. friend observed, that it was not wise to refer to such precedents. Perhaps so; but he would remark, that Lord Coke, in writing of the office of Regent, said, that it was unknown to the common law. He had referred to the regency appointed by Henry VIII., and said, that it was for the king to appoint a guardian or regent, with the advice of the great council of the kingdom. If precedents upon this subject were always clear, then nothing could be more easy than the

adjustment of this question; but it was singular that there was no one precedent which had ever been followed in the appointment of a regency. There had been no fewer than five cases in modern times, and every one of them had been different. This fact showed the immense importance of the question, and how each case was accommodated to the circumstances of the times, so that one was in opposition to the succeeding case. In the reign of Henry VIII. an Act of Parliament was passed, authorizing the king to nominate the regent, and a more complicated regulation could not well be conceived than that contained in the Act of Henry VIII. The regency in the reign of Anne was a commission composed of seven great officers of the Crown. In the reign of George II., one regent was appointed, who was the Princess Augusta, Dowager of Wales. In the reign of George III. there was a totally different precedent. Parliament did not nominate the regency, but left the nomination to the king, limiting his choice to a certain number of persons named in the Act. All the instances, therefore, varied according to the circumstances of the case and of the times. There being, then, two difficulties to provide for,—one the minority of the heir-presumptive to the crown, the other the possible pregnancy of the Queen Consort,—and no case being in existence which would serve as a precedent, it was too much to force the Crown to devise a remedy before his Majesty's ministers could apply their consideration to so grave a question. It was but decent to give the Crown an opportunity of maturely deliberating upon the subject. As five different cases had occurred, in each of which the provision had varied, that very fact was a proof that this was a question environed with difficulties, and requiring mature deliberation before a decision could be formed. It was a question on which it was dangerous to pronounce hasty opinions,—*præpropera concilia*, as Lord Coke called them. The Crown should have ample time and opportunity for consideration. There was not such great risk of evil occurring to render it necessary to make hasty provisions; at the same time it was unwise to presume that no contingency would occur. But if it did, that was no reason to apprehend the calamities which had been referred to. The good sense and the reason of the country would, he was convinced, support the decision of the House of Commons. It had been asked, to whom the House of Commons should swear the oath of allegiance in that event? He would ask, where was the Act of Parliament which required the oath to be taken at the meeting of that assembly? It had been said by one hon. member, that Parliament could not take the oaths until after the proclamation of the new king. That was, however, a mistake. It certainly was the practice of the House of Commons to take the oaths subsequent to the proclamation; but suppose that the Privy Council proclaimed a sovereign who ought not to be proclaimed, it would then become the duty of the House to abstain from taking the oath of allegiance to the person so proclaimed. The House of Lords, he believed, proceeded to take the oath of allegiance to the Crown previously to the proclamation of the king by the Privy Council; and the Earl of Eldon, a high authority in such a case, was the first to do so on the late occasion. Therefore, the difficulty could not occur which had been stated, of the necessity of taking the oath of allegiance to some person, it being uncertain who that person might be. On the demise of King William and the accession of Queen Anne, Parliament, for some reason, proceeded to act without taking the oaths at all. Some of the inconsistencies which had been pointed out would not arise, and many of the difficulties which had been started would not occur. At the same time he was not contending against Parliament, at a proper season and after due deliberation, providing for a regency; yet he would not attempt, considering the variation of human affairs, to foresee every contingency, or to devise too much beforehand for what must necessarily occur at a distant period. If immediate dangers pressed, he would advise the House to provide a remedy; but he believed that more danger would arise from an inconsiderate provision for a regency, and he would therefore rather incur the risk of delay. On these grounds he should vote in opposition to the proposal of the hon. and learned member. He did hope that the House, before coming to a division for the purpose of finally disposing of this question, would well consider whether, after the course which the House had already taken,—after an address had been presented to the Crown, if not by a preponderating, at least by a considerable majority,—after the amendments on that address, which were precisely in conformity with the address of to-night, had been negatived,—after the House had

led the Crown to believe that it was prepared to act in conformity with his Majesty's recommendations,—after having received that very day the grateful acknowledgment of the Crown for the assurances given,—he hoped the House would well consider, he repeated, whether, after taking that course, it would be compatible with its own dignity, and whether, in the words of the address, it would “tend to make the commencement of his Majesty's reign auspicious,” if the House were now to approach the Crown, informing the Crown that it had repented of its determinations, and that, scared by the approach of its own dissolution, it begged for a more distant day, in order to consider the question of the regency.

On a division, the numbers were : for the motion, 93 ; against it, 247 ; majority, 154.

PARLIAMENTARY REPRESENTATION.

JULY 7, 1830.

In a committee on the Consolidated Fund Bill, Mr. Hume availed himself of the opportunity, as it was the last time he should have an opportunity of speaking during that session, on the subject of the supplies, to enter at considerable length into the present state of parliamentary representation.

SIR ROBERT PEEL, in reply, said he had listened with the utmost attention to the recipe given by the hon. member for securing those large and overwhelming majorities by which he seemed to think the government ought to be supported. The hon. member had truly stated, that the government often laboured under difficulties in bringing forward many of those measures by which the public interest was to be promoted. There were individual interests which were often opposed, and but too powerfully, to such measures. Notwithstanding the exhortations of the hon. gentleman, he believed it would be found, that constituents were always ready to assert their particular interests, and that as they looked to that interest their representatives consulted their own by obeying the wishes of those that sent them there. The government had often, during the present session, proposed measures, the adoption of which they supposed would promote the public interest—the sale of beer bill was one of the instances he might select. Conceiving it desirable to destroy a monopoly in a necessary article of life, the government had brought forward that measure; but it did happen that there were hon. gentlemen who, though they declared that they agreed with the principle of the bill, yet met the bill itself with a most decided opposition. Such hon. gentlemen laid it down as a general principle, that individual interest ought always to be sacrificed to the public welfare; but when the principle was to be applied to themselves, they manifested a strange dislike to its operation. They declared at one time that they would give their unhesitating support to any measure for the public benefit; but then they felt some nicely scrupulous doubts as to what measures were likely to be for the public benefit. This was a practical instance of the difficulty of disregarding those vested rights which in argument were passed over, but which in practice it was often necessary to attend to, as the observance of them would conciliate a powerful body; hon. gentlemen, with respect to such rights, looked to the poll, and giving their support to vested interests, thus maintained monopolies. The hon. member, however, forgetting all these things, had taken the opportunity, on the eve of a general election, of issuing his exhortations to the constituency. He seemed to be relieved from all anxiety as to his own return, and manifested more interest than an individual generally showed at such a period for the event of the general election. He had no doubt that the hon. member was actuated by a sincere desire to promote what, in his opinion, was the cause of public interest; and he hoped to see the hon. member in the next parliament swelling that large majority by which, in his opinion, the government ought to be supported.

LIBEL LAW AMENDMENT BILL.

JULY 9, 1830.

The Bill having been read a third time, the Attorney-general proposed an Amendment to increase the amount of recognizances. In the debate which ensued,—

SIR ROBERT PEEL said, he was sorry that the early part of this discussion had been mixed up with reflections of a personal nature on his hon. and learned friend, the Attorney-general, for he was certain that this measure was one which in the opinion of the well-meaning part of the community would reflect credit upon his hon. and learned friend. Yes, he repeated the expression, it would reflect credit on his hon. and learned friend. Those gentlemen who supposed that his hon. and learned friend was courting the favour of either the press or the public in bringing this bill forward, might think that his hon. and learned friend would fail in securing it. But that was not the object of his hon. and learned friend. His hon. and learned friend wanted to do what was just and right, being indifferent, in the first instance, to popular applause, and being fully satisfied that the time would at last come when his motives would be properly appreciated. He had always understood, that the complaints against the law affecting the press of this country were in their nature twofold. The first complaint he understood to be this,—that the punishment of banishment for the second conviction for libel was grievous and too severe; that its continuance on the statute-book was a reflection upon the law itself; and that, in spite of its severity, it was not valid to restrain from offence, as nobody ever thought of enforcing it, seeing that if ever it were enforced, it would be so much superior to the offence committed as to constitute a positive act of injustice to the individual on whom it might be inflicted. His hon. and learned friend had endeavoured to meet that complaint by repealing the punishment of banishment altogether, for offences of the press. The next complaint was directed against the difficulty which there was, under the existing law, of restraining the licentiousness of the press, and punishing its calumnies upon private individuals. Now, however anxious gentlemen on the other side might be to defend the liberty of the press, could any one of them deny, that of late the press had evinced a prurient desire to examine into the conduct and character of private individuals, and particularly of females, who never ought to be needlessly dragged from retirement into public? Ought not the law to provide a remedy for such a mischief? Fictitious characters had their names entered at the Stamp-office, and thus females were left without the protection to which they were entitled, and could gain no redress from the parties who had endeavoured to inflict the severest injuries on their characters and feelings. But, said the hon. member for Westminster,—“The Times” newspaper will not care for this additional security.” “The Times” newspaper, and journals of the same high character, had no occasion to mind it, for papers of such distinguished character never indulged in calumnious attacks on private individuals. The high character which papers like “The Times,” had to support, was a security far stronger than any pecuniary security which the legislature could devise, that they would not disgrace their columns by the insertion of such slanders on individuals as every member that heard him must have seen elsewhere, and as every gentleman amongst them on seeing must have reprobated. Though individuals moving in the same rank with those whom he then had the honour of addressing might despise such slanders, and think them too contemptible for notice, there were others who, from their situations in life, could not bring themselves to the same state of feeling, and who might receive deep and lasting injury, if they permitted them to pass unproved. Admitting it to be true that the papers conducted by proprietors whose means were small, and capital limited, were the papers which his hon. and learned friend’s bill would most affect, was it not, he would ask, from journals of that description that these malicious and injurious calumnies most frequently proceeded? Whether it would be received by the country as a boon or not, he could not tell; but he looked upon it as an improvement in the law of libel, as it diminished the undue severity against political libels, and increased the securities by which the public ought to be protected against private libels.

The bill, with its amendment, was passed.

DISTRESS IN IRELAND.

JULY 13, 1830.

Mr. H. Grattan called the attention of His Majesty's government to the existing distress in Ireland; a distress which arose not from a scarcity of provisions, but from want of employment. The required employment, he contended, might be afforded by the reclamation of the waste lands in Ireland, of which there existed 4,500,000 acres, and which would give a profitable return of 4 per cent. on the capital expended on their cultivation.

SIR ROBERT PEEL said, he trusted that when he stated it was not the intention of his Majesty's government to propose to parliament any such measure for the relief of the distress in Ireland, it would not be supposed that though it had come to such a determination, it did not at the same time feel the deepest sympathy for the sufferings of the people of Ireland. That distress he hoped would be mitigated, if not entirely removed, by the further progress of the potato harvest, and of the harvest generally. The voting of the public money for the relief of that distress, by forcing employment when there was not naturally a demand for it, might afford temporary relief, but it would be sure to be followed hereafter by an aggravation of the evil in every respect, and one of its immediate effects would be, to paralyze at once those efforts of private charity and benevolence, from which sources alone such relief should properly be derived. He did hope that the landed proprietors of Ireland would feel it incumbent upon them to relieve that distress at present. Measures were now under the consideration of parliament, with a view to afford a permanent remedy for the evils under which the poor of Ireland laboured; but the existing temporary distress would be best remedied by the charitable exertions of the gentry and landed proprietors of that country. From his experience in Ireland, he never saw any permanent good effected by votes of public money for forcing employment there—it was only postponing the evil day, which came at a later period with additional aggravation. He hoped that, whatever might be the inclination of his right hon. friend, some body of constituents would be found who would compel him to continue to exercise his talents and abilities for the good of his country. He thought, however, that his right hon. friend, in arguing the question of emigration, had assumed that there was now no relief administered to the distress of the country through that channel. Now he (Sir R. Peel) contended, that there was always a stream of emigration flowing towards our colonies. He hoped that that stream would flow quicker than at present; but even now he was obliged to confess that it had set in too rapidly for some particular colonies. There had been a new colony recently established at Swan river. He had read over the report, and a very able report it was, that had been sent home within a few days by the governor, Captain Stirling. In that report Captain Stirling stated, that the new colony was suffering great inconvenience from the number of emigrants who were flocking to it. Persons, he said, came to the Swan river without having the mental enterprise or the physical strength that was requisite to triumph over the difficulties which beset every infant settlement. He therefore added, "Instead of encouraging emigration to this quarter, discourage it; for the parties who come out are only likely to find the distress aggravated under which they are suffering at home." He could assure his right hon. friend, that government had by no means neglected the subject of emigration. A gentleman of great ability and high character, who had considerable experience in the settlement of new countries, was now travelling, by direction of the government, through our North American colonies. He was to draw up an account of their present condition, their present resources, and their future capabilities; and he trusted that, when that gentleman's report should be received, there would be an opportunity of carrying into effect, to some extent at least, the projects of his right hon. friend. Some previous arrangement must be made with the colonies to which the stream of emigration was to be directed, otherwise it would be productive of mischief both to the party emigrating, and to the country to which he emigrated. For his own part, he frankly confessed that he saw a better chance of relieving the distress of Ireland, by arranging a scheme of emigration from that country with some of our colonies, than by setting its surplus population to cultivate its waste lands.

Mr. Hume wished to know whether the government would have any objection to let the report of Captain Stirling, from the Swan river, be published?

Sir R. Peel said, that he had no objection to allow the greater part of that report to be published; on the contrary, he thought that the publication of it would have the tendency to disabuse the over-sanguine expectations which the country seemed inclined to entertain at present respecting that colony.

SLAVERY IN THE COLONIES.

JULY 13, 1830.

Mr. Brougham closed a long and impressive speech by moving, "That this House do resolve, at the earliest practicable period of the next session, to take into its serious consideration the state of the slaves in the colonies of Great Britain, in order to the mitigation and final abolition of their slavery, and more especially in order to the amendment of the administration of justice within the same."

Lord Morpeth seconded the motion.

In the debate which followed,—

SIR ROBERT PEELE said, he had never listened to a speech with greater pleasure than to that of the hon. baronet (Sir Francis Burdett) on the other side of the House. It was a speech calculated to advance that moral improvement, to which alone they could look for the extinction of slavery. He feared that they never could confer much advantage on the slave by forced legislation. He did not object to the motion as pledging the Parliament to a particular course, for they had a right to consider Parliament as a continuous body, though now on the eve of dissolution—they had done so in 1806, when that resolution was passed, which a future Parliament had recognised and carried into effect; but he thought that, except in very extraordinary and pressing cases, pledges ought not to be given, for, if they were not redeemed, they must operate to depreciate the character of Parliament. The resolution professed to contemplate the final abolition of slavery—a proposition to which he was unwilling to pledge himself, without knowing in what manner it was to be brought about. That was one of his objections to the motion; another was, that it said nothing about compensation. Arguing with the slave as to the right by which we held him, he must confess that he had no reply; but arguing with the West-India proprietor as to the effect which the abolition of slavery must have upon his property, he would contend, that the proprietor had as strong a claim to compensation as the possessor of any other description of property that could be mentioned. If it were the resolve of that House to remove the blot which he would frankly admit still rested on the national character in this respect, still he felt it ought to be accompanied by another measure, which would show that the legislature had not, in its zeal for humanity, forgotten the interests of those individual proprietors which might probably be affected, if not materially injured, by its determination to effect a great change in our colonial policy. Would it be wise in the House to determine, in the present state of things, that it would take into its consideration the propriety of an immediate emancipation of the slaves in the West Indies, without maturely weighing and considering the character and the probable effect which this measure would most likely have on the condition of the slaves themselves, in whose favour the measure of emancipation had been agreed to be conceded? The hon. and learned gentleman, in the eloquent speech they had heard with so much pleasure, dwelt on the dangers which were to be apprehended from the attempt to force a measure of the kind which he recommended on the colonial legislatures, despite of their feelings and predilections on this delicate subject, and had asked if there could be traced any resemblance in the situation of these colonies and our North American colonies previous to their revolt in the last century.

Mr. Brougham said, across the table, his observation was confined to the right of this country to tax the colonies, not to legislate for them in respect to measures of general applicability to the colonies.

Sir Robert Peel continued—Could any one dwell for a moment on the horrors to be apprehended from being, in consequence of such an interference by parliament

with the internal concerns of these islands, forced to the awful emergency of waging war upon the white population of our own colonies and the colonial legislatures? With what dangers must such a measure be surrounded, from the probable widening of the breach between the colonists and the coloured population! a breach which must ever, he feared, continue so long as slavery itself continued in those colonies. The case of the West Indian population was singular. They were prepared to look on this subject with very different eyes from those with which we viewed it. "*Virtus non sine moribus viget.*" And much as he should be sorry to find that the conduct of the slave-proprietor in the Bahama Islands, Henry Moss, was not an exception to the conduct of other slave-proprietors, he should still more regret that, by any conduct of our own at home, such a person should be hence considered an object proper to excite the sympathy of slave-proprietors generally in the West Indies. Without going to the extent which the hon. and learned gentleman's motion would pledge the House, he would ask, were there not means in their power of effecting much for the amelioration of the slave, and the elevation of his moral character in the social scale;—for instance, by enabling the slave to give his evidence in courts of law, and in other respects fitting and preparing him to enjoy that blessing which it was the object of all our late measures to impart to him—liberty? Such a preparatory course had not been considered unwise by the legislatures in Grenada and in Tobago. But he knew, from an intelligent individual, that though there might be less hesitation as to enabling the slave to give evidence generally in courts of law, even against the taskmaster or the overseer, still there were scruples as to the propriety of allowing him to be a witness against his owner, or one who unavoidably had, from his rights of property in him, such a control over the slave. He trusted the hon. and learned member would, upon mature deliberation, be of opinion that this was not a proper occasion to press the House to a division on the subject. If he were to persist in the intention he had avowed, and divide the House, there would be possibly a fresh ground of remonstrance taken up, on the smallness of the number of members now present when such an important question was under discussion. He hoped the colonists would take the wished-for hint furnished by this and other motions previously submitted to the British legislature, and begin to improve and ameliorate the condition of the slave population; and that the West Indian colonists would be fully convinced there was no intention on the part of the legislature here to interfere, so as to interrupt their efforts to improve the morals and condition of those more immediately committed to their charge, and in whom they had every reason to feel the most lively interest. For his part, he was anxious to maintain, and bound to maintain, the authority of parliament—not to tax the colonies, but to ensure there, as well as at home, the due administration of justice. He hoped the concession, enabling the slave to give evidence in courts of law, would pave the way to other arrangements of the local legislatures, which would engender and foster more kindly feelings between the owners of slaves and the slaves themselves; that there would be no pretext furnished to their over-anxiety for their own interests, by the forcible interference of the legislature at home, to attempt to prolong the dependence of their slaves, and that the West Indian legislatures would set about, in good earnest, improving the condition of the negroes, in order to prepare them for the reception of more important concessions hereafter; thus warding off in time the dangers which were possibly to be anticipated from that interference of which they were so apprehensive, but for which nothing but their own disinclination to attempt the improvement of their slave-population could furnish parliament with a motive, or their enemies with a pretext.

On a division, the numbers were—for Mr. Brougham's motion, 27; against it, 56; majority, 29.

PUNISHMENT OF DEATH FOR FORGERY.

JULY 20, 1830.

SIR ROBERT PEEL rose to move, that the amendments made by the Lords, in the Forgery Laws Amendment Bill, should be taken into consideration by the House,

for the purpose of acceding to them. In making that motion it would not be necessary for him to enter into any lengthened discussion. The House were aware that the amendments of the Lords placed the bill in a shape adverse to the opinions expressed by the majority of the House. Still, under the peculiar circumstances of the case, he trusted that the members would not feel a difficulty in acceding to those amendments. They would not, by acceding to them, at all affect or compromise their own opinions. The effect of rejecting the amendments would be, to leave the law in a state of greater severity than it would be in by the House acceding to the amendments. As therefore, by rejecting the amendments, the House would make the law of greater severity, he thought the House would not in the slightest degree relinquish its own opinion by not adopting that course. He need not say, that the amendments were in accordance with his own views. He trusted that the House would accede to them without delay. On a former evening he had most readily yielded to the wish of an hon. and learned gentleman, that the further consideration should be postponed for a day or two. The effect of such postponement had been, that as the bill now stood, it would come into operation to-morrow, July 21st. Under these circumstances, it was of great importance that the bill should pass, if it were to become a law, at as early a period as possible.

Mr. F. Buxton said, there was one amendment which he should wish to add to those made by the Lords,—and that was, that the duration of this bill should be limited to one year. That would compel the government to introduce another bill to the House next session, more consonant to the humane views so generally adopted by their constituency throughout the whole country.

The amendment having been ordered to be taken into consideration,—

Sir Robert said, he attributed the apparent delay in sending the bill back from the Lords, to which the right hon. gentleman (Mr. C. W. Wynn) had adverted, to the unfortunate demise of his late Majesty. The bill, in its present shape, was decidedly an improvement on the old law, not only because it simplified and consolidated it, but also because it repealed the penalty of death in all cases of forgery upon the Stamp-office. He trusted, that the House would not concur in the amendment proposed by the hon. member for Weymouth. If the duration of the bill were limited, as he advised, in what situation would it place those who were entrusted with the duty of superintending the due administration of the law? To that amendment he should offer his decided opposition. As to the observation, that no Secretary of State would ever be found to advise the infliction of capital punishment in those cases of forgery in which the House had declared that the punishment of death ought to be abolished, he had only to remark, that he (Sir R. Peel) would always give the Crown such advice, with regard to the execution of the law of the land, as he thought the interests of justice required, without reference to what might, or might not be the opinion of the majority of the House of Commons respecting it.

The amendments of the Lords were agreed to.

[On Saturday, the 24th of July, the Parliament was dissolved by proclamation.]

OPENING OF THE FIRST SESSION OF THE NEW PARLIAMENT— CHOICE OF A SPEAKER.

OCTOBER 26, 1830.

The Commons having received his Majesty's command, through a commission appointed for the purpose of opening the New Parliament, to choose a Speaker, Sir Edward Hyde East, member for Winchester, moved that the Right Hon. Charles Manners Sutton be chosen for that office.

The motion was seconded by Mr. N. Calvert, and agreed to *nem. con.*; after which, and Mr. Manners Sutton having addressed the House in acknowledgment of the honour conferred upon him,—

SIR ROBERT PEEL rose, and in moving that the House do adjourn, begged to take that opportunity of offering to the Speaker his most sincere congratulations at the unanimity with which he had obtained an honour he so well deserved. He begged also to congratulate the House that it was enabled to place in the chair a

gentleman of great experience in public business, and well entitled, by his conduct in the chair, to the approbation and confidence of the House. In the fourteen years which had elapsed since he had been first placed in that situation, he believed that during those fourteen years there had been only one single day in which the right hon. gentleman had asked, or rather consented, to a remission of his public labours. No considerations of personal convenience—no consideration of his private affairs—nothing but the claims of private affliction, could make him even consent to abstract that day from the public service. During these fourteen years, whatever might have been the conflict of parties, all his opinions and all his decisions had been given with the strictest impartiality, and received with satisfaction by the House. But the right hon. gentleman's merits were so familiarly known to all the members, that it was unnecessary for him to say more. The unanimous vote of that evening secured the devotion of the House to its Speaker, and it was impossible that the public and the country should not find that, in addressing the members, the unanimity would give authority to his opinions and weight to his decision.

Mr. Brougham seconded the motion, which was agreed to, and the House adjourned accordingly.

ADDRESS IN ANSWER TO THE KING'S SPEECH.

NOVEMBER 2, 1830.

The address in answer to his Majesty's speech having been moved by Lord Grimstone, and seconded by Mr. R. A. Dundas, the Marquis of Blandford moved an amendment, which was seconded by Mr. O'Connell.

SIR ROBERT PEEL, rising after Mr. Hume in the debate which followed, said, it appeared to him that it was the wish of the members to come to an early expression of their sentiments on the address; and he was glad, therefore, that he was not called upon to detain them at any length, either in support of his Majesty's speech, or in answer to the objections which had been made against it. With regard to the speech of the noble lord—the fair, the temperate, and the candid speech of the noble lord, for so he could only in justice characterise it—that speech showed that it was not at all necessary for him to detain the House at any length; for with one single exception only, the noble lord fully concurred in the speech from the throne. The hon. gentleman who last addressed the House, had, it was true, pronounced a loud and angry denunciation against his Majesty's speech, but that hon. member had been able to find fault with it by no other means than an intentional misrepresentation of every part of it upon which he had treated.

Mr. Hume rose to order, and said, that he was incapable of intentional misrepresentation.

Sir Robert Peel assured the hon. gentleman, that he had meant to say unintentional misrepresentation. He was sure the hon. member would do him the justice to suppose, that if he had said "intentional" it was by mistake. The hon. gentleman had said, that his Majesty, in his speech, charged the people of England with disaffection; but, so far from this being the fact, his Majesty had expressed the satisfaction which resulted to him from the conviction, that he could rely with safety on the loyalty and the attachment of his people. "I reflect (these were the words of his Majesty) with the highest satisfaction on the loyalty and affectionate attachment of the great body of my people." It was altogether contrary to the fact, therefore, to say that his Majesty had charged the people with disaffection. His Majesty had, however, said, that he could not view without grief and indignation the attempt of some to traffic with the distresses and the sufferings of the people, and to raise themselves into unenviable notoriety by aggravating calamities where they did exist, and by raising imaginary evils where none were in reality to be found. This was a conjuncture which required all the temper, all the moderation, and all the patience they could command in their deliberations; and he must therefore say, that he regretted the hon. gentleman (Mr. Hume) should—not with bad intentions, he was sure—have indulged in inflammatory language, which, to say the least of it, could not conduce to that cool and temperate discussion which was always desirable,

and never more necessary than at present. He put it to the hon. gentleman whether it were right,—whether it were consistent with the fact,—to represent the people of this country as in a starving condition? If there were suffering in some parts of the country, no man, he was sure, could more deeply lament or more sincerely commiserate it, than himself; and, however firm might be the determination he had taken to put down disturbance and acts of violence by every legal means, he could assure the hon. gentleman that the consideration of how the causes of the people's distress could be removed should never be absent from his mind. But the people were not in a starving condition, as the hon. member must know, or might have known, if he had enquired. That there was severe suffering and distress in some parts of the country, could not be denied; but that was a condition of things which, notwithstanding the general state of the people, was, he feared, in many places almost unavoidable. In approaching that part of his Majesty's speech which related to our foreign policy, the hon. gentleman had, he must say, broached a doctrine that was altogether new in the House of Commons. The hon. gentleman had said that foreign policy was not interesting to the House of Commons, and that the people of England cared nothing about foreign policy. When the hon. gentleman talked about economy, let him tell the hon. gentleman, that foreign affairs must not, could not, be lost sight of; and that they would force themselves upon his consideration. If the hon. gentleman would not be economical with reference to other than the internal affairs of the country,—if the hon. gentleman's economical policy were based upon the exclusion of all reference to other countries,—the hon. gentleman would be a very dangerous adviser of the crown, and would find himself ultimately no true economist. With regard to what the hon. gentleman had said upon that part of the speech from the throne which related to France, let him tell the hon. gentleman, that though it was only a short time since he had been in possession of the speech, yet that time was quite long enough to have enabled the hon. member to ascertain what it contained. And here he must protest against the notion which the hon. gentleman had inculcated, that the government was responsible for every word which fell from the mover and seconder of the address. He had heard nothing in the speeches of the two hon. members who moved and seconded the address which, rightly understood, he dissented from; but let him tell the hon. gentleman (Mr. Hume), that he was not a little surprised to find him supposing it to be necessary that any gentleman who moved and seconded the address should be previously tutored by a minister of the crown, and that, consequently, the government was responsible for all that fell from gentlemen on such occasions. This was hardly consistent with the doctrines usually propounded by the hon. member. The hon. gentleman had said, first, that his Majesty had regretted the events that had taken place in France; and, secondly, that the government, being disappointed in the successful opposition that had been made to the ordinances, must consequently have approved of those ordinances having been issued. Now, with regard to the first assertion of the hon. gentleman, that was in a moment destroyed by the mere observation, that it was contrary to the fact. His Majesty, so far from expressing any feeling upon the subject, had merely narrated the simple fact, that “the elder branch of the house of Bourbon no longer reigned in France, and that the Duke of Orleans had been called to the throne by the title of the King of the French.” The hon. gentleman might, he thought, very easily understand, when he considered the present situation of the elder branch of the house of Bourbon, who were exiles in this country, that his Majesty could not describe, in terms of very severe reprehension, those acts which had led to this result. As to the government or his Majesty approving of those acts, what ground, he would ask, had the hon. gentleman for making any such assertion? If the hon. gentleman, who accused him of participating in this approbation, meant to say that he (Sir R. Peel) thought that the ordinances referred to were consistent with good policy, or with the fundamental law of France, the hon. gentleman was very much mistaken; for, God knew, he could not say that such were their characters. That he lamented what had occurred in France was quite true; he did lament it, and for that very reason he deeply deplored the cause. It had been attempted in various quarters to raise a prejudice against the government, by repeating a charge which, on a former occasion, he had

intended—and he thought he fulfilled that intention—positively and unequivocally to deny. He had stated distinctly, as he thought, that no charge could be more wholly and entirely unfounded, than that the government of this country had interfered in the appointment of Prince Polignac. He had said that, neither directly nor indirectly, had there been any interference on the part of the government, or of any member of the government, in the nomination of the Polignac administration. He begged once more to repeat this statement, and to say that, in using the expression “neither direct nor indirect interference,” he meant to include all possible modes of interference which could be suggested or imagined. It had been said, moreover, that the government had counselled the issue of those ordinances which had led to the recent events in France. But the government had not the slightest conception that it was intended to resort to any such means. Further than this, allow him to observe, that the utter secrecy in which the intention to issue the ordinances was kept, precluded all interference on the part of the government, by friendly advice, to prevent that intention being carried into execution. Upon this subject he trusted it was unnecessary that he should say more; and he thought that, with regard to France, he must have satisfied even the hon. gentleman (Mr. Hume) himself; for the hon. gentleman must see, that the fact was, that his Majesty had expressed no regret at the events that had taken place in France; and the hon. gentleman would perhaps, on consideration, admit that silence on the part of his Majesty, as to the character of the ordinances, was not under the circumstances any ground for concluding that either his Majesty or the government approved of them. With regard to Belgium, allow him to observe, that there was a very wide distinction between the affairs of the Netherlands and those of France, as well as between the causes of the events which had taken place in the two countries. The hon. gentleman had said, “Look at Antwerp;” but there was no mention made of Antwerp in the speech from the throne; and all that was said about the government of the Netherlands applied to the condition and character of that government previous to the revolt. “But (said the hon. gentleman) the speech from the throne breathed war. At the very time that it mentioned the intended recognition of Don Miguel, and the actual recognition of the French king, it would be an inconsistency, as well as an impropriety, to interfere in the affairs of Belgium.” In answer to this, allow him, first, to observe, that he did not know what expression in his Majesty’s speech it was from which the hon. gentleman inferred that we were about to interfere by war. Next, let him remind the hon. gentleman, that, with reference to this country, there were peculiar circumstances in the condition of the Netherlands. No person, with even the most moderate knowledge of history, could be ignorant that the Belgic provinces had, at one period, been under the dominion of Austria, at another under that of Spain, and at another incorporated with France; and that, whether under the one or the other, they had always been the ground on which the great conflicts of Europe had been determined. For this reason, the condition of these provinces had always been a subject of deep interest to every state in Europe, and especially to England—not with regard to the form of government, but with respect to their tranquillity. In the year 1814, when the fall of Buonaparte rendered a settlement of Europe necessary, the Netherlands were in the occupation of Austria, and Baron Vincent was the governor of them. The government of the Netherlands was at that time offered to the King of the Netherlands by the Five Powers, on condition that they should be governed in a certain manner. Whether they had or had not been so governed was not at present the question; but these were the terms offered to, and accepted by, the King of the Netherlands. A great part of the provisions then entered into, had for their object the benefit of the Belgic provinces, and the good government of the country. He would contend that we ourselves were greatly concerned in the maintenance of the connexion between Holland and Belgium. He was surprised, he must confess, at what had fallen from the hon. gentleman opposite on that point. He was astonished to hear him assert, that the separation of Holland from Belgium was a matter of indifference. He was the more surprised at hearing such an assertion from the hon. gentleman, as it struck him that he had heard the hon. member himself admit, upon former occasions, that the position of Holland always must be contemplated as an object of the greatest importance to England. Well, a revolution had taken place in Belgium—a contest

had arisen—the object of which was, to procure the separation of that country from Holland, and, in the course of which, circumstances had occurred afflicting to all the friends of humanity. At that very moment a bloody civil war was raging between the Belgians and the Dutch; and he would ask, would it be proper, would it be wise, under such circumstances, to allow them to settle the matter themselves, and to effect whatever accommodation they could? He would put it to the hon. gentleman, and to the House, whether, in such a case, it were unwise on the part of those foreign powers, parties to the treaty in 1814, which had given the Netherlands to Holland,—whether it were inconsistent with the policy and humanity of those powers to attempt, in the words of his Majesty's speech, “to devise such means of restoring tranquillity as may be compatible with the good government of the Netherlands, and with the future security of other states?” If any one single power were to interfere by offers of mediation between the contending parties, it might excite jealousy, but it could not be denied that the treaty of 1814 authorized such an interference, and that it was a right possessed by all the powers, parties to that treaty. Now, he (Sir R. Peel) could state, that the same course of policy which had in this instance appeared advisable to the government of England, was also that which appeared advisable to the government of the King of the French; and that the other powers, parties to the treaty of 1814, had acquiesced in a proceeding by which an attempt would be made to bring about an adjustment of the affairs of the Netherlands, by the interposition of all those parties who were so deeply interested in the settlement of that country. So much for that topic in his Majesty's speech. With regard to Portugal, it appeared to him that the policy which it had been determined to adopt was precisely that which the interests of the country demanded; and when the speech from the throne recommended the recognition of Don Miguel, it by no means implied that the slightest variation had taken place in those opinions which his Majesty's ministers still entertained, and which they had repeatedly expressed, respecting his acts. He could assure the hon. member for Middlesex, and the House, that whenever the acts of Don Miguel had interfered with the rights of British subjects, his Majesty's government had demanded, and had received, immediate satisfaction. Without, in the slightest degree, departing from those opinions which they had expressed regarding the means by which Don Miguel had become possessed of the sovereign authority in Portugal, his Majesty's ministers had determined to adopt the course of policy announced in the speech from the throne; and was the House prepared to condemn his Majesty's government for thinking that the time had arrived when, a certain act of justice and humanity being performed by the government of Portugal, the interests of British subjects should be consulted by effecting a renewal of our diplomatic relations with that country? His Majesty's government had certainly refused to recognise Don Miguel until the performance of the act to which he had just referred; an act of general amnesty, on account of those political proceedings which had been directed against him while assuming the power which he now possessed in Portugal, had been promised on his part, and they had now his positive assurance that such an act was about being immediately carried into execution. They had not made it a condition of the recognition which had been already determined upon; but, until that act was performed, they would not make the recognition complete. Two years and seven months had elapsed since the accession of Don Miguel to the sovereign power in Portugal, and his own subjects appeared to acquiesce in his possession of that power. The interests of British subjects were seriously affected by the non-recognition of Don Miguel; and, with at least the apparent acquiescence of his own subjects in his authority, was the government of this country still to refuse to recognise him, and was it to allow the interests of British subjects to be materially injured by the continued interruption of our relations with Portugal? Looking at the matter in every point of view, he entertained a confident hope that the policy of the British government, with regard to Portugal, would not be deemed undeserving the approbation of that House. He did not know that there were any other portions of our foreign policy into which it would be necessary for him to enter upon this occasion. He had endeavoured to confine himself merely to a reply to the observations of those hon. members who had preceded him, being of opinion that the present was not the proper opportunity for

entering into the general details. The hon. gentleman had admitted that his Majesty's declaration respecting the civil list was quite satisfactory. His Majesty, it would be seen, had placed at the disposal of Parliament his interest in the hereditary revenues, in those funds which may be derived from the droits of the Admiralty, and in other revenues that had been hitherto reserved to the crown; and had trusted entirely to Parliament for a just and liberal provision for the maintenance of the honour and dignity of his crown. He could not sit down without shortly referring to the hon. gentleman's observations with regard to the course which had been pursued towards Ireland. The hon. gentleman had characterised as a disgraceful act the issuing of the proclamation which had been directed against an attempt to disturb the repose of that country, and to involve it again in that agitation from which he (Sir R. Peel) had believed the Catholic Relief bill would have redeemed it, and from which, as he still believed, it would have been by that measure redeemed, if it had not been for the events at Paris and in Belgium, which had been taken advantage of for the purpose of propagating an impression amongst a high-spirited and unreflecting people, that the same success might, perhaps, attend their efforts. The hon. gentleman had asked, was a man in that House to be prevented from moving for a repeal of the Union?—and was the hon. and learned member for Waterford, if he had got such a whim in his head, to be prevented from bringing it forward there, and having it fairly and openly argued and discussed? But such was not the course pursued by the hon. member for Waterford. That was not the way in which he had brought forward the discussion of the question; and was it, he would ask, for the indulgence of what the hon. member for Middlesex had called "a whim," that the repose of a whole country was to be hazarded, and that it was to be made a scene of confusion and bloodshed? What was not the responsibility—how great—how tremendous—he spoke not of the legal responsibility, but of the responsibility before God and their country,—which those men took upon themselves, who could excite a whole population in the manner against which the proclamation to which reference had been made, was directed? The hon. gentleman was not to suppose, that they were to be gulled and deluded into the idea, that the simple object of the assembly which that proclamation put down, was to promote petitions to Parliament. Had the hon. gentleman read the declarations which had accompanied the acts of that assembly? Surely the hon. member for Waterford would not stand up and affirm of that association, that its sole object was to prefer a temperate appeal to the Legislature on the question? That hon. gentleman had himself declared, that Ireland was not yet ripe for revolt—that she was not yet ready to oppose force to force. Could any man, after that, doubt that the intention of that hon. gentleman was to form a permanent association, meeting in Dublin, the object of which would be to organize the people of Ireland on this question,—to form their minds upon the subject, and to keep them in continual agitation until the time should arrive when they might look to the employment of force with success, and it would become dangerous to refuse the concession of their demands? He believed that that was the very assertion made by the hon. and learned gentleman himself in the association alluded to; and it was because he believed it to be true mercy to put an end at once to such an attempt to organize the popular mind of Ireland, that he, in conjunction with the rest of the ministers of the crown, gave his sanction to the instrument for extinguishing that association. In doing so, did he mean to deny that the situation of Ireland called for enquiry; or did he mean to say, that he was prepared to withhold his assent from such measures as he might think calculated to relieve her distresses? No such thing. He was anxious to see the condition relieved and ameliorated: but having the power to prevent the agitation he had described, and to render ineffectual the mischievous efforts to organize and inflame the people of Ireland, he, for one, dared not incur the responsibility—not of issuing that proclamation, for that he had incurred, but the awful responsibility of withholding it. Let them not, by suffering such agitation to continue, prevent the accomplishment of those good effects which the healing measure of emancipation was calculated to produce. Let them not again bring into play parties and factions. Let them not revive the religious animosities which had so long disturbed that unfortunate country. Let them not trifle with a subject of such tremendous importance. Let not an inflammable population be excited by

attempting the mad, but peculiarly exciting, project of a dissolution of the Union. Was it come to this, that after having, by successive efforts, improved the condition of the country by consolidating and binding together the various parts of which this great empire was composed,—after having, in the early period of our history, succeeded in putting an end to the divisions of the heptarchy,—after having united Wales to England, and subsequently Scotland to this country,—and after having consummated the great object of concord by uniting Ireland to Great Britain,—were they, after having accomplished all that, now to begin to retrace their steps, and to dissolve the connexion between the component parts of this great empire? If they should begin by dissolving the union with Ireland, what reason was there why they should not proceed to dissolve the union which had been effected with the other parts of the empire,—to repeal the union with Scotland, and to dissolve the connexion with Wales? He should not argue this question further at present; but if ever the time should arrive when such a question as the repeal of the legislative union with Ireland should be submitted for calm and dispassionate discussion and argument in that House, he did not despair of being able to show, from experience of the past, from what had taken place when Ireland had a Parliament of its own, and from the sympathy for Ireland which had, since that time, grown up in the English mind;—he did not, he would repeat it, despair of being able to show, by arguments drawn from all those sources, that this speculation was calculated only to raise one individual to a bad eminence, at the expense of the best blood of the two countries, and of the repose and tranquillity of both.

Sir Robert Peel, rising in explanation after Mr. Hodges, denied having said that the sufferings of the country were such as could not be remedied. When it had been asserted that the people of England were in a starving condition, he had maintained that such was not the fact; but he had always admitted and deeply lamented the existence of severe distress. He had also observed, that, in so complicated a state of society as that in this country, there could scarcely be a time in which there would not be much local suffering.

The amendment was negatived without a division, and the address agreed to.

MANAGEMENT OF PUBLIC BUSINESS.

NOVEMBER 3, 1830.

SIR ROBERT PEEL said, that before he made the motions which were usual at the commencement of every session, for giving precedence on certain days to orders, and on certain days to notices, he wished to make a few observations on the general conduct of the business of that House. It was quite evident, from the occurrences of the last session, and it was quite evident, even from the notices which had that evening been given (all of them, he willingly acknowledged, on subjects of great importance), that it would be a matter of exceeding difficulty to devise the means of satisfactorily transacting the public business. In point of fact, the great difficulty was, for the House to find time for the adequate performance of its several duties. It would undoubtedly be a very easy matter to pass a resolution that the House of Commons should meet at ten o'clock every morning; and if to such a proposition there was no objection, but that it would interfere with the private business of the members, that objection ought not to be considered as one of sufficient validity. His objection, however, to such a proposition was, that it would interfere not with the private business of members, but with their public, and most important duties. The greater part of the mornings of many of the members of that House was occupied, necessarily occupied, by their attendance on public duties. Without in the slightest degree disparaging the importance of the discussions in that House, he was not sure that their importance was exceeded by the importance of the deliberations of those committees which were appointed to investigate and to communicate to the House the facts on which their subsequent proceedings were to be founded. He was at a loss to know how both these descriptions of duties—the duty of attending upon committees, and the duty of attending in their places in that House—could be carried on, if the House were to meet at the early hour to which he had alluded.

He was exceedingly unwilling, without some absolute and imperative necessity should present itself, to propose any very material departure from the present course. But he did think, that if the House were to avail itself of the regulations which, with that devotion to the public service which had ever marked his conduct, Mr. Speaker had himself suggested to him (Sir Robert Peel), and were to meet at three o'clock, instead of at four, such a change would not materially interfere with the duties of members in attendance on committees, while it would evidently add an hour to the period for the transaction of business in the House itself. If the Speaker took the chair at three o'clock, and it was generally understood that the ordinary hour for commencing public business should be, without fail, at five o'clock, and if every hon. member would lend his adherence to the plan, it did not appear to him that he could suggest any thing better calculated to facilitate the object in view. This arrangement would of course render it necessary that the committees above stairs should terminate their proceedings at three o'clock. It might also be necessary that those committees should meet at eleven o'clock instead of at twelve. But he by no means thought that the dispatch of public business would be advanced by the plan of the House meeting at an earlier hour than three, or by committees meeting at an earlier hour than eleven. In the first place, he exceedingly doubted the policy of abstracting members of the House from the means of communicating with their constituents. The letters from the General Post-office were not delivered until half-past nine; if members had not the period from half-past nine to eleven for the purpose, how was it possible that they could satisfactorily answer the various applications which they received from their constituents? He was by no means prepared to say, that extreme pressure of business might not render some other arrangement necessary; but he should be very unwilling to go any further than his present proposition, without some urgent necessity, and after mature consideration.

Later in the evening,—

Sir Robert said, that all that had taken place during this discussion confirmed him in the opinion he had expressed at the outset,—namely, that the question was one of extreme difficulty. All that could be hoped for was, that hon. members would use their individual discretion. Any gentleman might, if he pleased, detain the House for four or five hours, and unless gentlemen would curtail their speeches, or the House put down the practice of enlarging unnecessarily upon fertile topics of argument and oratory, he did not see what good any regulation could answer. They had got now into the habit of printing almost every petition, and the reason assigned for this course was, the prevention of lengthy discussions upon petitions; yet, since this plan had been adopted, he was sure that debates upon petitions had been considerably lengthened. All that could be done by way of regulation on the subject was, as it appeared to him, to give up two hours to private business,—the public business being brought on always at five o'clock. At the same time it should be understood, that any gentleman who thought proper might present a petition at any other period of the evening, if there should be no public business before the House. After all, however, almost every thing must depend upon the individual discretion of hon. members, who could do much more than any regulation could effect towards the attainment of the desired end, if they would address themselves fairly and seriously to the subject under debate, laying aside all extraneous matter, and not indulging in surplus eloquence, which never carried conviction with it, and which often tended rather to obscure than to throw light upon the subject before the House. Some of the suggestions that had been thrown out were, he thought obviously impracticable. If, for instance, they should agree to adjourn the House for an hour, at five o'clock, in order that members might take their dinner, such a regulation would, he was sure, make no alteration in the dinner-hours of the majority of the House. They who were accustomed to dine at seven o'clock, would still dine at that hour, and not between five and six. Then again as to the proposal of the hon. member for Waterford (Mr. O'Connell), of setting aside three days for private business, he thought they would rather lose than gain by that arrangement. It was impossible to get through the public business in three days, and the evenings of the three days devoted to private business would be spent in some other way, and not in that anticipated by the hon. member. Indeed, he did not see how gentlemen who had been attending committees all day, could be expected

to devote their evenings to a similar employment. What he proposed, therefore, was, that the House for the future should meet at three o'clock; that the time from three to five should be devoted to private business; and that the public business should always commence at five o'clock. If, however, this did not meet the wishes of the House, then he thought the only course to be taken was to appoint a Select Committee on the subject, as his hon. friend (Mr. N. Calvert) opposite had recommended. * * * * * He thought it impossible to fix any hour for the adjournment of the House. A regulation of that character would, he was convinced, be extremely mischievous. They must not make it peremptory to break off in the midst of a discussion, no matter how important and how pressing that discussion might be. It would be better to leave it to the House to determine, on motion made at the time, whether they should adjourn or continue to sit. As to adding Wednesday to the days of public business, his only objection to that was, that he thought it beyond the strength of hon. members to sit for five days in succession. If it should be insisted upon that Wednesday should be a day of public business, he was quite sure that on Friday hon. members would find themselves too much jaded—too much exhausted—to apply themselves to the public business, so as to transact it in the manner its importance required. He could not, as he thought the House would see, promise to be present every day during the presentation of petitions. The duties of his office would not allow him to make any such promise. This, however, he would promise—namely, that he would do all he could, consistently with his duty to the country, to be present every day.

REPORT ON THE ADDRESS.

NOVEMBER 3, 1830.

In the debate on bringing up the report on the address,—

SIR ROBERT PEEL said, that the discussion which had just taken place, imposed on him the duty of making one or two observations on the subject of parliamentary reform, respecting which the hon. and learned member for York had so recently given notice of a motion. This task he would rather, on the present occasion, have avoided, as he was unwilling to express an opinion on such a question, until it should have been legitimately brought under the consideration of the House. A construction, however, had been put on the declarations of his right hon. friend, which deprived him of an alternative. With regard to the question generally, he might remark, that he had never hitherto taken a very decided part. Opposed to it he admitted he certainly had been, but at the same time (with very few exceptions), he had contented himself with a silent vote. It appeared that a passage in the speech of his right hon. friend had been interpreted as expressive of the sentiments of government generally on the subject. Now he fully admitted that he saw difficulties about the question of reform which he was by no means prepared to solve. He wished, nevertheless, to say nothing then which might in any degree prejudice the discussion hereafter, or interfere with its advancement to a satisfactory termination. He saw considerable difficulties attendant on the mere agitation of the topic, and he confessed himself at a loss to conjecture the principle of limitation which the hon. and learned member appeared to contemplate as the guarantee of a moderate reform. The member for Nottingham (Mr. Denman) had intimated, as he understood him, that no measure of reform which still allowed of the interference of peers in the return of members of the House of Commons would satisfy him. His argument, he concluded from the tenor of his speech, must be directed against an aristocratic government altogether. To such an extent he was not prepared to go; nor did he at present see any prospect that such a measure of safe, moderate reform, as his Majesty's government might be inclined to sanction, would satisfy the demands or expectations of the reformers. This only he would now premise, reserving a fuller exposition of his sentiments to the opportunity when they could be regularly and seasonably explained. As to the interference with Belgium, he owned he was surprised to find such difference of opinion after the speech which they had heard from the noble lord opposite last night. They had but one of three courses to pursue—

either to disavow all interest in the affairs of Belgium, as the hon. member for Middlesex suggested, allowing French soldiers to make what incursions they pleased, and take possession of Antwerp and other fortifications unmolested; or, by military interference, to compel the submission of the provinces to their king (neither of which we adopted); or lastly, when civil war was raging in a part of Europe, from its position peculiarly calculated to embroil neighbouring states, to mediate with a view to restore tranquillity, and not for the purpose of subjugating the Netherlands—and this was the species of interference to which the British government had had recourse. The speech from the throne did not contain a word which necessarily implied the re-annexation of the provinces to the crown from which they had revolted. Did those expressions, at a time when civil war was devastating two of the finest cities on the Continent—did those expressions imply that the object of government was quiet mediation? He contended that they did. What was the end to be answered by the interferences alluded to? Was it the subjugation of Belgium? No, in the words of the speech it was, “to restore the tranquillity and the good government of the Netherlands.” He denied that the expressions used implied another meaning. It yet remained open for the government to take any steps that might appear most advantageous. Had this country, after Antwerp and Brussels had been completely ransacked and ruined—after the people in those cities had suffered grievously—this country had said, “we leave you to settle your matters as you best can,” we should have thrown the Netherlands open to others, and that would have been the most probable way of ensuring the complete annihilation of their recently-acquired liberties. England had, as on all former occasions, acted on a different principle. The hon. and learned gentleman, the member for Yorkshire, last night said, that this was the first instance of the mention in any King’s speech, of the internal disturbances of a foreign state, and he referred to the line of conduct adopted in the case of Poland. But there was not the slightest analogy between the two cases. The partition of Poland was not occasioned by internal hostility. It was the dismemberment of a country by foreign powers; and what the partition of Poland had to do with the Netherlands he could not comprehend. The question, in that instance, was fully discussed, and it was determined that this country should not take part in it. But the hon. and learned gentleman was not correct in stating that this was the first occasion on which the King’s speech had mentioned matters of this nature. In contradiction of his assertion he would refer to the speeches in 1787 and 1792; and then he was sure the hon. and learned gentleman would hardly maintain his assertion. The first of those documents contained a reference to the state of France; and in addition, there was a reference made in the King’s speech, delivered in 1764, to Holland itself. The speech delivered on the 30th of May, 1787, said—“But dissensions unhappily prevail among the states of the United Provinces, which, as a friend and well-wisher to the republic, I cannot see without the most real concern.” Here was a distinct reference to the internal condition of a foreign state. In the same year, when the government of France evinced a disposition towards an invasion of the Netherlands, this country took steps which fully proved, that the policy of non-interference was dependent on the policy of other states. At the opening of the session of Parliament, on the 27th of November, 1787, the king’s speech stated—“At the close of the last session I informed you of the concern with which I observed the disputes unhappily subsisting in the republic of the United Provinces. Their situation soon afterwards became more critical and alarming, and the danger which threatened their constitution and independence, seemed likely, in its consequence, to affect the security and interests of my dominions.” These facts shewed that the present government had not struck out any new line of conduct. He did not mean then to argue the right of taking the step alluded to in his Majesty’s speech, but he contended that it was neither proper nor fair for the hon. and learned gentleman to state, that this was the first time when such a step had been taken. The act might be wrong or right; he would not discuss that; he only meant to show, that this was not the first instance in which his Majesty’s speech had expressed sentiments relative to the internal state of foreign countries, and the interference of this country with disturbances in them. The speech from the *Throne* also stated—“In conformity to the principle which I had before explained,

I did not hesitate, on receiving this notification, to declare, that I could not remain a quiet spectator of the armed interference of France, and I gave immediate orders for augmenting my forces both by sea and land." Had the hon. and learned gentleman adverted to the conduct of Mr. Fox on that occasion, he would have found that Mr. Fox said,—that he considered the course adopted was perfectly just, and he objected only to the use of the word "lawful" in the Address. There were other occasions when mention was made in the speech from the Throne, of disturbances abroad. In 1790 the hon. and learned gentleman might have found that a reference was made to the internal state of a foreign country, and the declaration on that occasion was as nearly as possible the same as that of the present speech. In 1790, the king coming to parliament, stated from the throne, "Since the last session of parliament a foundation has been laid for a pacification between Austria and the Porte, and I am now employing my mediation, in conjunction with my allies, for the purpose of negotiating a definitive treaty between those Powers, and of endeavouring to put an end to the dissensions in the Netherlands, in whose situation I am necessarily concerned, from considerations of national interest, as well as from the engagements of treaties." If other proofs were wanting to refute the assertion, that on no former occasion had reference been made in a King's Speech to the internal dissensions of a foreign country, it would only be necessary to refer to the year 1787. He was not asking whether the mention of the internal state of foreign countries was wrong; he only wished to show, that it would be foreign to the policy which England had pursued on former occasions, not to have done as had been done in the present instance. The hon. and learned gentleman had referred to former occasions, and had taunted his Majesty's government with their present proceedings; but he would contend that it was a matter of great importance to the condition of that country, and, in fact, to the whole continent of Europe, that his Majesty should express his opinion of the unhappy state of affairs in the Netherlands. As he had before stated, there were only three courses for this country to pursue. Indifference to the proceedings in the Netherlands would have given a notice to other countries that England abandoned them to their fate. To have used a military force to compel a restoration of tranquillity in that country, would not have been consistent with the policy of Mr. Pitt? He begged to recall to the mind of the hon. and learned gentleman, that part of the history of the proceedings of this country in which it was proposed by the late Mr. Pitt to give to the Russian ambassador a written statement, as conclusive of his opinion, as to what ought to be done in the year 1805. In that document Mr. Pitt separated the case of those countries with respect to which, owing to their situation, the interference of this country would be just and proper, from those other countries, which, being only remotely connected with Great Britain, interference could seldom or never be justified, and Mr. Pitt included the Netherlands under the former division. That opinion was given by him a short time only before his death. Thus, he had, as he thought, satisfactorily proved two cases in which the King's speech had mentioned the state of the Netherlands, notwithstanding the assertion of the hon. and learned gentleman to the contrary. But it was said, What right had the government to characterise the Belgians as revolted subjects? Had we not, it was said, passed a warm eulogium on the revolution of the French? We had, but he contended that the condition of the two countries was totally different. With respect to Belgium, the political condition of that country was settled by the Congress assembled at Vienna. The arrangement was laid before Parliament, and in all the discussions in 1815, but few objections were made to it. There was a distinct motion made with respect to Genoa, but not with respect to the Netherlands. The result of the arrangements made by the Congress at Vienna was, that Belgium was intrusted to the sovereignty of the King of Holland, under certain restrictions or fundamental laws, which were imposed on the King of Holland for the exclusive benefit of the Belgians themselves. Some of the conditions were—that no innovation should be made in the articles of the constitution—that the fundamental law should remain inviolate—that free access to the throne should be allowed to the citizens, in order that they might lay their grievances before his Majesty—and that no impediment should be offered to the Belgian subjects for the benefit of the Dutch. In fact, all these articles were intended for the advantage of the Belgians, and the King of

Holland took that people with the understanding that a violation of them by him would authorize the Belgians to apply to the Allied Powers, the parties to the treaty, for redress; thereby reducing the question for the consideration of his Majesty's government to the simple fact—did or did not the King of Holland violate the fundamental laws on which rested his sovereignty over Belgium? He contended for one, that the King of Holland had not violated those laws, but that, on the contrary, he had always manifested the greatest readiness to submit the redress of any grievances of which his Belgian subjects might complain, to the proper constitutional authority—the States-General. In his opinion the King of the Netherlands intended to do right, and the conduct of that monarch had not been contrary to the laws laid down by the congress. The hon. and learned member for Nottingham, in stating his reasons for not agreeing with that part of the address which alluded to the disturbances in the Netherlands, passed the severest condemnation on the conduct of the Belgians he had yet heard. That hon. and learned member said, that the Belgians had imitated in their conduct the last Paris fashion. Could there be a stronger term used in speaking of a civil war, than to describe it as merely imitating a fashion? There was neither prudence nor justice in confounding the events which gave rise to the occurrences in France with those of Belgium. Not only was there no similarity between the circumstances of the two cases, but there was a ready disposition on the part of the King of the Netherlands to submit the grievances of the people to the proper tribunal, to the States-General, for consideration. In the address of the King of the Netherlands to the States-General, his Majesty said, "I am disposed to comply with reasonable desires." Again, in the message he afterwards sent down to that assembly, he leaves these two questions for their consideration—whether experience had shown the necessity of revising the fundamental law? Whether, in that case, the system established by treaty and by the fundamental laws between the two great divisions of the kingdom, for the promotion of their common interests, require to be altered in their form or nature? These were the terms which that sovereign used when he left the subject for the consideration of the States-General. The hon. and learned gentleman said last night, that the march of Prince Frederick to Brussels was a violation of the Belgian compact. But he believed that Prince Frederick's march to Brussels was not a preconcerted act. His advance on that town was not made with any intention of bringing the military force under him into action. For what were the facts? At first, the insurrection in Brussels did not appear to have any definite object; and Prince Frederick's march to that town was equally without any decided purpose of committing violence. Brussels had just before been the scene of an undefined commotion, the objects of which were the removal of an unpopular minister, and of a municipal tax. To check the excesses of the agents in this insurrection, the inhabitants organized themselves into a burgher guard, which most probably would have succeeded, but for the foreigners and unemployed poor in the neighbourhood, who flocked into the town, and ultimately enabled the insurgents to defeat the burgher guard. Prince Frederick had no other object than to support this guard in protecting property, and was astonished when he met with the resistance which was offered to his entry. The charge of treachery made against him was without any foundation. The real question before the House was, whether it would come to a resolution to vote, in answer to the speech of his Majesty, the address before it. Without going further at present into a consideration of these questions, he would merely observe that the address did not pledge the house to adopt the course recommended by government; and that the hon. member for Westminster (Mr Hobhouse) entertained that view of it, was evident, from his having given a notice of a distinct motion on the subject that day. He disclaimed all idea of interference by force of arms; but he was satisfied that the interference his Majesty's ministers contemplated was more likely to contribute to the attainment of a peaceful issue than if they were to follow the advice of some of the hon. members opposite, and maintain a contemptuous indifference towards the present condition of Belgium. He begged it to be understood that such interference by no means contemplated the restoration of arrangements as they stood before; the word Netherlands having been introduced into the speech for the express purpose of leaving the whole question open to the consideration of the representatives of the Allied Powers.

In explanation to Mr. Brougham, who had spoken immediately after him,—

Sir Robert Peel said, he was desirous of saying a few words with reference to what had fallen from the hon. and learned gentleman respecting the recognition of Don Miguel; because he was as anxious as the hon. and learned gentleman that a good understanding should subsist between this country and France. In the last speech from the Throne, which was delivered on the 4th of February, 1830, an allusion was made to the probability of the recognition of Don Miguel. His Majesty saw, that numerous embarrassments in our relations made that desirable. It was unnecessary to state that at that time no events had occurred in France which rendered the recognition of Louis Philippe necessary. The latter had been immediately recognized—the recognition of the former had not yet taken place; it must be evident therefore to all, that the two events were not connected.

Mr. Brougham expressed himself perfectly satisfied with the explanation which had been given by the right honourable secretary.

Lord Palmerston wished to know, whether, in the event of Don Miguel granting the amnesty, it was the intention of the British government to interfere to compel him to execute it if he should be disposed not to do so. Unless there should be some guarantee for the execution of the amnesty, individuals would not venture to place themselves within Don Miguel's power.

Sir Robert Peel said, he could best answer the question by stating the circumstances connected with the proposed amnesty. We had done all in our power, by advice and friendly interference, to consult the interests of those who were denounced by the present government of Portugal. The language we held was, that we did not require the issuing of that amnesty, as the condition of our recognition of the Portuguese government; but we declared, that unless it should be published to the world, the recognition would not take place. We did not promise that the recognition would take place if the amnesty should be offered; but we stated that the withholding of the amnesty would prevent that recognition. He did not think it would be prudent in him to state what steps this government might be called upon to take, in the event of a particular case arising. He would, however, state that we were not guaranties for the fulfilment of the amnesty.

The report brought up. Mr. Tennyson's amendment was negatived without a division.

ABOLITION OF THE OATH OF ABJURATION.

NOVEMBER 4, 1830.

Mr. C. W. Wynn moved for leave to bring in a bill to repeal so much of the Acts of 13 William III., c. 6; 1 Anne, c. 22; 6 Anne, c. 23: 1 George I., c. 13; 6 George III., c. 53; 5 Elizabeth, c. 1: 7 James I., c. 6, and 1 William and Mary, c. 8; as requires the Oath of Abjuration to be taken, and the assurances to be subscribed in Scotland, and as directs certain oaths to be taken by members of the House of Commons, before the Lord Steward or his deputy.

In the debate which followed,—

SIR ROBERT PEEL said, he understood his right hon. friend to have two objects in view in his present motion. The first was, to dispense with the necessity of taking, before the Lord Steward, oaths which were afterwards taken with greater solemnity at the table of the House; and the second was, to dispense with the necessity of declaring, that the descendants of the person falsely pretending to be Prince of Wales, had no claim whatever to the throne. He would candidly confess that he had not had leisure to consider this subject; but his first impression was, that there was no objection to the accomplishment of those two objects. At the same time that he said this, he reserved to himself the liberty of further considering this question; and if he discovered any objections to his right hon. friend's proposal, he should reserve to himself the right of opposing his bill at some future stage. At present he saw no difficulties in the way of his right hon. friend's proposition, and he acquiesced in granting permission to bring in the bill. He must confess, that the longer he lived, the more clearly did he see the folly of yielding a rash and precipitate assent to any political measure. He therefore would not pledge himself not to oppose this bill. There might be objects attained by it, which even his right

hon. friend himself did not at that moment perceive. If it should appear to him that there were such objects, that would be an additional reason to him to oppose the bill. He should certainly object to the total repeal of the Oath of Abjuration, though there were parts of it which might now unquestionably be dispensed with. It was right to require individuals to pledge themselves to support the succession to the throne, as limited to the Princess Sophia and her heirs, being Protestants; but it was unnecessary to retain that part of it which abjured all allegiance to the descendants of James II. Indeed, the House, in framing the oath to be taken by its Roman Catholic members, had omitted that part of the Oath of Abjuration which contained the declaration against James II. and his descendants. The oath taken by the Catholic member was this, "I do faithfully promise to maintain, support, and defend, to the utmost of my power, the succession of the crown, which succession, by an Act entitled, 'An Act for the further limitation of the Crown, and better securing the rights and liberties of the subject,' is, and stands, limited to the Princess Sophia, Electress of Hanover, and the heirs of her body, being Protestants, hereby utterly renouncing and abjuring any obedience and allegiance unto any other person claiming or pretending a right to the Crown of these realms." Now, there could be no claimant for the throne at present, as a descendant of James II.; but if the strictness of hereditary descent were to be considered, other claimants for it might, perhaps, be found, deriving their claim from a higher stock than James II. He was unwilling to make any distinction between the oaths taken by Protestants, and those taken by Roman Catholic members. He should therefore reserve to himself, if he so thought fit, the right of retaining all those parts of the Oath of Abjuration which had no reference to the claims of the descendants of James II. He thought that the time had now fully come, in which the House might safely omit all reference to the Pretender and his family; and, if so, it was wrong to encumber the oath by an abjuration of allegiance, which no circumstances could call again into existence. He hoped that he had sufficiently explained the limitations under which he was willing to grant to his right hon. friend leave to bring in his bill. With respect to what his right hon. friend had said on the subject of taking the oaths before the Lord Steward, he was not prepared to say, that his right hon. friend had convinced him that members ought to vote for a Speaker without taking some oath, although he had convinced him that there might be much inconvenience in their being compelled to take the oaths exclusively before the Lord Steward.

Mr. Cutlar Ferguson wished to ask the right hon. baronet, if he did not think that the Oath of Allegiance was the only oath which ought to be taken by members of parliament on their admission to their seats.

Sir R. Peel observed, that the enquiry of the hon. member showed the necessity of the caution which he had already recommended. The effect of declaring that the Oath of Allegiance was sufficient, would be at once to decide the question agitated last session, with respect to the admission of Jews into the House. If it were proper that such an admission should take place, the object ought to be effected by a direct motion, and not by a side wind. Leave was given to bring in the bill.

DISTRESS OF THE COUNTRY.

NOVEMBER 5, 1830.

SIR ROBERT PEEL, in answer to a question from Mr. Kenyon, said, it was not his intention to propose the appointment of a committee to take into consideration the general distress of the country. As to the specific measures which his Majesty's ministers intended to adopt, he hoped that their whole policy would show the disposition which they entertained to advance the prosperity of the country; although it could not be expected that he should now enumerate the precise measures that they might take. The hon. gentleman was mistaken in supposing that any part of his Majesty's speech alluded to measures of coercion. What his Majesty stated was, that he would exert all the existing means which the law and the constitution had placed at his disposal.

Later in the evening, Sir Robert Peel expressed his surprise, that the hon. member for Middlesex should charge him with want of courtesy, in not answering his ques-

tion yesterday. What he had understood the hon. gentleman to say yesterday was, that he would put to him (Sir Robert Peel) this day, a question as to the probability of the occurrence of war. He had intended, if the hon. gentleman had this day repeated his question, to have answered—that a perfect confidence might be entertained that the same motives which had hitherto induced his Majesty's government to pursue a pacific policy, would continue; and that his Majesty's government would make every possible effort, consistently, of course, with the honour and permanent interests of England, to maintain peace with the whole world. His Majesty's government was deeply interested in the preservation of the general tranquillity. His Majesty, in his speech from the throne, declared that “the assurances of a friendly disposition, which he continued to receive from all foreign powers, justified the expectation that he should be enabled to preserve for his people the blessings of peace.” It was impossible for him, consistently with his duty, to say more on the subject, than, that since that declaration from the throne, nothing had occurred to change or diminish the expectation which his Majesty had been induced to entertain, “that he should be enabled to preserve for his people the blessings of peace.” The hon. member for Middlesex now asked, and required a positive and decisive answer to the question, whether his Majesty's government intended to propose any reduction of taxation? He was confident, that on reflection the hon. gentleman's experience would show him that the question was a very improper one. He must certainly decline giving any answer to the question, either affirmatively or negatively. But suppose he were to answer the question affirmatively, did not the hon. member well know that such an answer must be followed up at once by enumerating the specific objects to which the intended reduction was to be applied? No inference whatever ought to be drawn from his declining to answer the question, except that to do so would be inconvenient to the public. He appealed to every member, of parliamentary experience, if any thing could be more prejudicial than for one of his Majesty's ministers, at the commencement of a session, to give any answer to such a question as that which the hon. gentleman had put to him? The hon. gentleman talked of some pledge which he (Sir Robert Peel) had given last session of the disposition of his Majesty's government to defer to public opinion. What he had stated last session was this fact:—that his Majesty's government had made such an extensive reduction in the patronage of the Crown, that no administration could rely upon the permanent possession of office unless they felt themselves supported by the confidence of parliament and the country. But the hon. gentleman must not conclude from that declaration that any vulgar or common opinion, though expressed by the hon. gentleman, would at all influence him in the discharge of his duty. If the hon. gentleman joined in the vulgar imputation on public men, that they were unduly influenced by their wish to retain the paltry emoluments of office; if he thought it necessary to caution the people against listening to the advice of such persons because they were interested in giving that advice; he knew not by what test the hon. gentleman was prepared to prove the truth of his insinuations, but he knew that they were most uncharitable, and most unjust. The only considerations which his Majesty's government had in contemplation were, the welfare of the people, and their permanent interest. The people must judge of their motives by their measures. If the House and the country suspected the motives and condemned the measures of his Majesty's ministers, no inherent power or influence they possessed could maintain them in the administration. When the hon. gentleman talked of the proceedings of misguided men, he would ask him if the language which had been used in that House by himself, now the representative of the metropolitan county, and therefore, perhaps, possessed of a degree of importance greater than he had before enjoyed; he would ask him whether the language which he had used in the course of the present session were not calculated to produce excitement and inflammation? When the hon. member characterised the whole population of the country, without exception, as being in a starving condition—as reduced to a state of actual famine; or when he declared that unless certain measures were adopted, the day of vengeance would come, might not the excitement and inflammation which the hon. gentleman lamented, be unintentionally aggravated by the unguarded language he employed?

Later in the evening, Sir Robert Peel repeated his former declaration, that our interference with the Netherlands was not made with a view of exciting, but of pre-

venting, war. His Majesty had declared in his speech, that he entertained the expectation that he should be able to preserve for his people the blessings of peace; and he had already assured the House—and he would repeat the assurance—that nothing had occurred since the delivery of that speech which induced him to think that that expectation would be disappointed. In reply to the observations of the hon. member for Worcester, which, he said, proceeded throughout upon the erroneous supposition that he had accused the gentlemen opposite of throwing fire-brands among the people, he should only say, that he had made no such accusation. On a former evening he had used the word “intentionally,” where he intended to have said “unintentionally.” On the present occasion he had laid particular emphasis on the word “unintentionally,” when he said that an hon. member was using language which was calculated—unintentionally on his part—to create great excitement and inflammation among the people. He repeated his assertion that such language had been used. He asked whether it was consistent with truth to call the people of England a starving population? There might be partial distress in the country; some distress there always must be, from the very nature of things; but it was a gross exaggeration to say that the people of England were starving. He acquitted the hon. member, as freely as the hon. member acquitted the Duke of Wellington, of all intention to do mischief; but when he said, that, in his opinion, the government ought to be displaced, there was a better and a milder way of saying it than by using such a phrase as “the day of vengeance will come.” When the hon. member was talking of a misguided and easily excited people, it was better to avoid using such language.

THE KING'S INTENDED VISIT TO THE CITY.

NOVEMBER 8, 1830.

On the entrance of Sir Robert Peel into the house, Lord Althorp expressed a wish to ask him for some explanation of one of the most extraordinary and alarming events that he had ever known in the course of his public experience. He was desirous to know what could have induced his Majesty's ministers to expose his Majesty to the great unpopularity which might follow from his disappointing the expectations of thousands of his faithful subjects, by advising his Majesty to decline fulfilling the promise he had made to dine with the Lord Mayor to-morrow? It was not in London alone that the most serious effects would result from this affair. The alarm which the intelligence of it would create from one end of the kingdom to the other, would necessarily be excessive. He supposed that his Majesty's ministers had not taken an important step like this without proceeding on the most authentic information, and without the most deliberate consideration. Were it not so, their conduct would deserve the severest censure. Under these circumstances, he begged to ask the right hon. gentleman the grounds of the measure which he had adopted.

SIR ROBERT PEEL said, that however anxious he might be fully to answer the question which had been put to him by the noble lord, and to give every information on the subject referred to which it was in his power to give, he was sure the noble lord would not expect from him—he was sure the House would not expect from him—any declaration or statement that might be prejudicial to, or in any way interfere with, the course of the public service. The letter which had appeared in all the newspapers of the day, addressed to the Lord Mayor, was authentic, and the signature to that letter was his. That letter conveyed the deliberate opinion of his Majesty's confidential servants, that they had felt it to be their duty to advise his Majesty to postpone the visit which their Majesties intended to pay to the City of London on Tuesday next. The opinion was founded on the firm belief entertained by his Majesty's government, that a collision of a very serious nature might take place in the attempt to maintain the public peace. Such a collision was at all times to be avoided; but peculiarly so on an occasion such as that in question. If ever an anxiety could be justly entertained to avoid such a collision, it must be at a time when an immense concourse of innocent and unsuspecting persons were assembled at night, in the streets of the metropolis, to witness a great public festival.

When it was considered that such an evil might be avoided, since there was no obligation that the festival in question must take place, and when to that was added the fact, that information had been received of an intention on the part of evil disposed persons to make that festival a scene of tumult, and probably of bloodshed, he thought no man would deny that it was the duty of his Majesty's ministers to give his Majesty the advice which they had given. It was his firm belief, while he was ready to do the most ample justice to the loyalty of the people of London, while he was convinced of the warmth of their attachment to their sovereign, while he was perfectly assured that the most implicit reliance might be placed on their affection to his Majesty, while he admitted that in the great body of the people he was disposed to place the most unbounded confidence—he was perfectly persuaded, that if their Majesties were to visit the city of London, a tumult and riot would ensue, involving consequences of a most deplorable character, and perhaps leading to bloodshed. I should be doing (continued the right hon. baronet) injustice to the feelings and character of the great body of the inhabitants of this metropolis, if I did not make an avowal of my sincere belief in their loyalty in the most distinct terms; yet, though my information leads me to believe that in their zeal and affection the utmost confidence may be placed, it also made me perceive that it was in the power—and, unfortunately, I learnt that it was also the intention, of a few abandoned and desperate characters, to promote disorder and tumult, which it would be difficult to repress by night, without incurring the risk of inflicting that punishment on the innocent which ought to fall upon the guilty alone. On that night there would be in the streets of London not merely many good citizens and loyal men, but also an immense concourse of women and children. Supposing that an attempt should be made to involve a part of the town in darkness, in order to facilitate an attack upon either the lives or the property of a part of his Majesty's subjects, in what position would those persons who are intrusted with, and are responsible for, the peace of the metropolis be placed, if they should be obliged to resort to force in the midst of a mixed crowd of unoffending women and children? If such a collision can be avoided, is it not right, is it not prudent, is it not the bounden duty of ministers to take such measures as will avoid it? I have now to inform the House, that in the course of Saturday and of Sunday last, a variety of information, from various quarters, came into my office, which led me and the other members of his Majesty's government to believe that there was a possibility of a great tumult arising on Tuesday next, from the acts of a desperate and abandoned set of men, who, though few, were still sufficient in number to create very general and extensive alarm. In the course of Saturday, the Lord Mayor elect of London, the chief magistrate of the metropolis for the ensuing year, felt it to be his duty to make to the Duke of Wellington a communication, which I will now proceed to read to the House, being willing to afford it every information upon this subject which my duty will permit me at present to disclose. This communication was received by his grace the Duke of Wellington on Saturday morning—

“MY LORD DUKE,—From the situation of Lord Mayor, to which I have been elected, numberless communications are made to me, both personally and by letter, in reference to the 9th, and it is on that account I take the liberty of addressing your Grace.

“Although the feelings of all the respectable citizens of London are decidedly loyal, yet it cannot but be known there are, both in London as well as the country, a set of desperate and abandoned characters, who are anxious to avail themselves of any circumstance to create tumult and confusion. While all of any respectability in the city are vying with each other to testify their loyalty on the occasion, from what I learn it is the intention of some of the desperate characters above alluded to, to take the opportunity of making an attack on your Grace's person—

[*Very loud cheering, mingled with considerable laughter, from the Opposition benches*]. Good God! A sarcastic cheer! (continued Sir R. Peel); and made, too, in the House of Commons, on hearing that the Lord Mayor of London has communicated to the Duke of Wellington that he had reason to believe that an attack would be made on his Grace's life as he accompanied his Majesty to the civic

festival! And from an officer in the army, too! [*This was an allusion to Colonel Davies, whose cheer was remarkably loud*]. Whatever may be the opinions entertained by individuals as to the official acts and political character of the Duke of Wellington, is there a single man in the country—I am sure that the gallant colonel who cheered so loudly, when the heat of debate has passed by, will be among the first to deprecate such attempts—is there, I say, a single man of the slightest respectability in the country, who would wish to carry his political hostility to such an extent? To proceed, however, with the letter—

“While all of any respectability in the city are vying with each other to testify their loyalty on the occasion, from what I learn it is the intention of some of the desperate characters above alluded to, to take the opportunity of making an attack on your Grace's person on your approach to the hall. Every exertion on my part shall be used to make the best possible arrangement in the city; and at the same time I feel, that should any violent attack be made in one quarter, any civil force alone might not be sufficiently effectual, and I should not be doing my duty, after what I have heard, did I not take the liberty of suggesting to your Grace the propriety of coming strongly and sufficiently guarded. I probably may be considered giving you needless trouble; but the respect which I, as well as every person who really wishes the welfare of the country, must have for your Grace, and the gratitude we owe you, have induced me to adopt this course. I have, &c.

(Signed) JOHN KEY, Lord Mayor elect.”

Here, then, was an intimation from the Lord Mayor elect of London to the Duke of Wellington that there was no security for his Grace, on his visit to the city, unless he came provided with a large military guard. Would it be fitting, I ask, for his Grace, after all the services which he has rendered to this country, to be seen going to Guildhall accompanied and guarded by a troop of soldiers? Is that a salutary state of things, in which it is announced that a minister of the king cannot go to meet his sovereign at Guildhall without being exposed, I do not say to the usual symptoms of popular obloquy, but to the risk of an attack upon his person? But this is not all. Intimations reached my office that an attack was to be made upon his Grace's house in the course of the night, when the police were at a distance, under the pretence of calling for lights to illuminate. I say, that any such attack must be accompanied by riot; and that the attempt to suppress such riot by force, when the streets are filled with women and children, must be accompanied by consequences which all of us would lament. That, however, is only one of the causes which I have for believing in the possibility of such an attempt at riot taking place. Every one is aware that there exists in the public mind considerable excitement against those authorities which have been appointed, under the sanction of the House, to maintain the public peace—I allude, of course, to the body which is known by the name of the New Police. To maintain order in that procession, had it taken place, it would have been necessary to draw together all the civil power which the New Metropolitan Police places at the disposal of the magistracy, it being desirable to resort to all civil means, in preference to military means, for the preservation of the public peace. The police must have been collected from nine o'clock in the morning, to line the procession from St. James's-palace, from which his Majesty would start, to Temple-bar, where he would enter the city. If they remained on duty all night, then those parts of the town which it is their special duty to guard, would be left unprotected; and therefore, if there were any mischievous designs entertained against property, those designs might be easily perpetrated. If, however, each party of the police remained separated, then there would be grounds to apprehend that there would not be a sufficient civil force to maintain order in the line of procession, on an occasion when not only the ordinary population of the metropolis was likely to assemble upon it, but also a vast concourse of strangers from all parts of the country. I am now sorry to be obliged to inform the House, that in the course of Saturday and Sunday last, the most industrious attempts were made in various quarters to inflame the public mind against the new police. Thousands of printed hand-bills were circulated, some of which I will read to the House, for the purpose of showing the means employed to inflame

the people against that portion of the civil force which is entrusted with the preservation of the public tranquillity. These are not written papers, drawn up by illiterate persons, and casually dropped in the streets, but printed hand-bills, not ill-adapted for the mischievous purposes which they are intended to answer. One of them is in these terms:—

“To arms, to arms!—Liberty or death!—London meets on Tuesday next, an opportunity not to be lost for revenging the wrongs we have suffered so long; come **ARMED**, be firm, and victory must be ours!!!

“AN ENGLISHMAN.”

Another of them is couched in the following terms:—

“Liberty or Death! Englishmen! Britons!! and honest men!!! The time has at length arrived—all London meets on Tuesday—come armed. We assure you, from ocular demonstration, that 6000 cutlasses have been removed from the Tower, for the immediate use of Peel's Bloody Gang—remember the cursed Speech from the Throne!!—These damned Police are now to be armed. Englishmen, will you put up with this?”

Now, after hearing the inflammatory language of these hand-bills, I call upon the House to consider how great the likelihood is, that after the police had returned to their ordinary duties, in their respective portions of the town, a desperate attack would be made upon them. If it were made, it would, of course, be resisted by the civil force; if the civil force were insufficient to repel it, military aid would be called in; and then, on that night of general festivity and rejoicing, in the midst of crowds of unsuspecting men, women, and children, there might be resistance, and if resistance, bloodshed, occasioned by the necessity of supporting the civil authorities. I am sorry to add, that the experience of what took place at the last popular assembly fortifies the impression which the information transmitted to my office originally created in my mind—that there might be such assaults committed by the people on the police. The last public procession which we had was on the 2nd of November, the day on which his Majesty came down to open the Session of Parliament. In the course of the night of that day, the police having attempted to apprehend certain persons discovered in the commission of crime, were violently attacked by numbers of the lower classes; and the individual who aided the police, by giving them permission to deposit their prisoners in his house, and to shelter themselves under its protection, had his house attacked, and most of his windows broken. The next morning there came before the magistrates of the different police offices in the metropolis, not less than sixty-six cases of assault committed in the course of that night on the police constables. Of those sixty-six there were ordered to find bail to appear at the Sessions, forty-two—there were fined, or in default of payment imprisoned, nineteen—there was remanded one—there were discharged on their own recognisances two—and there were also two absolutely discharged. Still there were sixty-six cases of assault committed on the police constables on the night of the 2nd of November. Such being the case, when on Saturday and Sunday the hand-bills which I have just read to you were industriously circulated, directing the people to attack the police with arms, could we, as ministers, view without apprehension the consequences which might ensue in different parts of the metropolis, when the business of the day was concluded, and the police constables were separated by their duty in their respective districts? If unprovoked attacks were made upon them, and I have decisive evidence before me that such attacks would be made upon them, is there not danger that, in exerting the energies of self-defence, a few desperate characters might, in spite of the great loyalty of the mass of the population of London, have provoked consequences highly injurious to the public tranquillity? The House, I have no doubt, will be glad to hear, that the government asks for no new law to repress these disorders, but is determined to enforce the old, which is sufficient for the purpose. We feel it, however, to be an imperative duty to avoid an occasion by which, in these agitated times, any collision may be produced between the constituted authorities and the people. I know the disappointment which has been experienced by the necessity of postponing the civic entertainment. I know that great sacrifices have been made, by various classes of his Majesty's faithful subjects, to pay every

honour to him during his visit to the City. I was this day waited upon by the deputies of various trades, which had undertaken to protect the peace during various portions of the procession, and I could not hear, without regret, the expressions of disappointment which they uttered at finding that, though their Majesties had full confidence in the exertions of their loyalty, they were not to have the proud gratification of escorting them upon their entrance into the city. With a full knowledge of all these circumstances, I cannot help thinking that the disappointment occasioned by not holding this festival is a very subordinate consideration indeed, when placed in the balance against the maintenance of the public peace. These, Sir, are the grounds on which the members of his Majesty's government came to the unanimous resolution of advising his Majesty that this occasion should not be given for assembling on a November night an immense concourse of people of all descriptions. I sincerely believe, that if they were assembled, the public peace would be disturbed. I sincerely believe that recourse to military authority might be necessary for its preservation, and that, in the struggle to secure it, numbers of unsuspecting and unoffending persons must unavoidably be sacrificed. If such results were probable, I ask again whether it was not our duty, as the responsible ministers of the Crown, to advise his Majesty to forego the satisfaction of visiting the city of London, in order to spare him and his consort the permanent pain of having been unconsciously the cause of bloodshed and suffering to their unoffending subjects? I know not whether the House will approve of the course which we have adopted upon this occasion. I know that it will be said that the government is unpopular, whilst his Majesty is most enthusiastically beloved by his people. It is my duty to bear that taunt, rather than forbear from giving that advice, of which the adoption is calculated to secure the tranquillity of the metropolis—to prevent the loss of life—and to prevent, above all, any addition to that excitement of feeling which is at present so much to be deplored. I will submit to any taunt founded on the obloquy or objectionable character of the ministry among the people, rather than give them any cause for excitement which I can possibly avoid."

Mr. Brougham and Colonel Davies having spoken,—

Sir Robert said, that however tempting the occasion might be, he would not enter into any of those questions of party-feeling which the hon. and learned gentleman had raised in the course of his speech. His object was, to co-operate with the honourable and learned gentleman in his endeavour to calm the public feeling. He would therefore endeavour to abstain from replying to the sarcasms into which the honourable and learned gentleman had so naturally fallen. He cordially admitted the honourable and learned gentleman's intentions; and he wished to state, in the most clear and positive terms, that the honourable and learned gentleman had put a correct construction upon his language. "I believe with him," said Sir Robert Peel, "that the King and Queen might safely go to Guildhall to-morrow without any other inconvenience, save that arising from the exuberant loyalty of the people. I believe with him, that from one part of the procession to the other, there would have been nothing but one universal demonstration of loyalty and affection to their Majesties. I believe that every man possessed of property in the metropolis would have been ready to expose himself to any danger for its protection, and for the protection of the public peace. I know that among those who had confederated for that purpose were 1,400 or 1,500 persons connected with the first houses in London. So far am I from wishing to have it inferred that there was any disloyalty among the citizens of London, that I now declare my sincere conviction to be, that never was there an occasion on which greater attachment to the King, and a stronger disposition to maintain the public peace, were displayed. Still let the House reflect on the condition in which the metropolis would have been placed. All the firemen would have been engaged as guardians of the public peace. To maintain order in the line of procession all the ordinary police of London must have been on duty by as early an hour as nine o'clock in the morning. With all the facts which came to the knowledge of the government, I did not think it safe to leave all the suburbs of London exposed to plunder for the whole of to-morrow. What I stated in my former speech, and what I repeat now is, that voluntarily to get together, on a November evening, a large concourse of innocent people, men, women, and children, when certain agents of mischief are

known to be at work, may be productive of consequences which should be avoided if possible. The gallant officer says, that in spite of the postponement of his Majesty's visit, the attack on the police may still take place to-morrow night. It may so; but then, mark the difference. The association of the people to-morrow night will be voluntary, and without apparent cause, and, now that warning is given, must be only for mischief; whereas, if the King's visit had not been postponed, the association would have been sanctioned by the magistrates, and would have been, as far as they could discriminate, perfectly innocent. I beg pardon for again intruding so long upon the House. I merely rose to state, that the hon. and learned gentleman has put the exact construction that I could have wished upon my words; and that, if any opinion has got abroad that there is disloyalty in London, that opinion is quite groundless. In conclusion, I beg leave to state my sincere conviction, that there never was a sovereign on the British throne better entitled to, and more in possession of, the undivided affections of his people, than his present Majesty. If I omitted to state that circumstance before, it was only because I thought it too notorious to require mention."

Later in the evening, Sir Robert Peel said, he could only state, that on Saturday two aldermen came to him, as from the city authorities, one of whom was the Lord Mayor elect, and the other a gentleman, who said he was deputed by the late Lord Mayor. These gentlemen told him, that the civil power in the city would not be sufficient for the preservation of the public peace, and asked for the attendance of a body of the military. He referred these gentlemen to the Horse Guards. Now, after receiving such a communication as this, and listening to the speech of the hon. alderman (Thompson), he must say, that, considering the heavy responsibility that rested with him, he wished that the magistrates of the city of London would be good enough to depute proper persons to make communications to the government.

In reply to Mr. Alderman Thompson,—

Sir Robert Peel said, he could not, of course, know what authority those two gentlemen had, but they certainly represented themselves to him as authorized to make the communication he had mentioned. One of them being the Lord Mayor elect, and the other acting for the late Lord Mayor, it never occurred to him to question them as to their authority, and certainly the offices they filled seemed to point them out as very fit persons to make such a communication, for to them, one might naturally suppose would be left the arrangements for the preservation of the public peace.

At the close of the discussion, Sir Robert Peel said, it had been assumed that the communication of the Lord Mayor elect had been the only one that had been received by his Majesty's government, and the hon. member opposite had said that his Majesty's government should have ascertained the grounds upon which that communication was made. An interview had taken place between himself and the Lord Mayor elect after the receipt of that communication, and if the information which had reached his Majesty's government on the subject had been solely derived from him, ministers would certainly have paused before they proceeded to act upon it; but the information received from the Lord Mayor elect had been confirmed by communications from at least twenty other different quarters. He thought that the Lord Mayor elect had acted perfectly right, and he must repeat that ministers had not come to any resolution till after an interview had been had with the Lord Mayor subsequent to the receipt of his communication. He must also take that opportunity of saying, that he could never forget the honourable and candid conduct of the learned gentleman opposite (Mr. Denman) that evening; which did not, however, surprise him (Sir R. Peel), knowing, as he did in common with every other person, the high and honourable character of that learned gentleman. He was gratified but not astonished at hearing the sentiments which that learned gentleman expressed respecting the attacks upon the Duke of Wellington, as well as the brutal attacks made upon humbler but very useful individuals. They were sentiments which might draw down upon him some unpopularity—he spoke of unpopularity amongst the low and the vulgar; but they were the sentiments of all respectable and good citizens in the state.

RELIEF OF THE POOR.

NOVEMBER 9, 1830.

In the course of a conversational discussion, which had called up SIR ROBERT PEEL several times, to answer questions, &c., Sir Robert, in reply to Sir J. Wrottesley, said he thought it would be a great advantage if conversations and remarks of the nature which had just been made, were preceded by some notice; and he must be allowed to observe, that the remarks of the hon. baronet who had just spoken, seemed to convey some reproach upon his Majesty's government for supineness with reference to the late disturbances—a reproach the most entirely unfounded that could possibly be uttered. It was extremely difficult at one and the same time to enforce the strictest economy, and exercise the energy that should belong to the governing power in any state. Infantry and cavalry were to be disbanded, scarcely a soldier was to be allowed in aid of the civil power—government were compelled to dismiss the yeomanry; and when disturbances arose, they were told that they ought not to leave them to be suppressed by the constables, but ought instantly to crush them with a strong hand. He would call upon the hon. member for Kent to say, if his Majesty's government had not done all, under the circumstances, which could be expected of it for the suppression of those disturbances? He had further to state, that though at a great public inconvenience, and to the neglect of other pressing matters, the Secretary for the Treasury was at the present moment at Maidstone, endeavouring to trace the causes of that extraordinary mystery which had, up to the present moment, eluded their most careful investigation; there were also at Maidstone, every police officer who, in the present state of the metropolis, could be spared. To this he had to add, that he had authorized the lord-lieutenant of the county to call out and embody the yeomanry, rather than resort to the regular military force. It would be a gross error to suppose that the disturbance in a neighbouring county was local. Its object, he could have no doubt, was general—the fires constituting its overt acts, were neither executed by the hands, nor devised by the heads, of the peasantry of the county of Kent—no suspicion attached to the resident population—the whole of the matter, whatever might be its origin, was devised by other heads than theirs, and proceeded upon principles, not local, but general. Though, up to the present moment, no detection had taken place; but he did hope that the time was near when not only the hands by which the offences were committed, but, what was more important, the heads by which they were devised, would be brought to condign punishment.

CIVIL LIST.

NOVEMBER 12, 1830.

In a debate in Committee upon the Civil List, SIR ROBERT PEEL, rising after Mr. Brougham, said,—

The observations of the hon. and learned member seem to me to call for some reply—[Mr. Brougham here rose, as if to leave the House, but Sir R. Peel requested him to remain.]—It is certainly unusual for a member to charge a government with sheer stupidity and gross ignorance; and when a vindication is about to be attempted, for him to leave the House: but I do not ask the hon. and learned member to remain in his place that he may hear my answer, but that he may listen to a charge against him of gross ignorance on his part. I did not think it right to accuse him in his absence, and I therefore entreated him to retain his seat. He asserts that government have been guilty of gross ignorance and want of the common knowledge of grammatical construction—that they also had the intention to mislead, inasmuch as they have put into the king's mouth a proposal to resign all interest in the hereditary revenues of the Crown, and thus exciting an expectation that the revenues of the duchy of Lancaster, among others, were to be relinquished. The hon. and learned gentleman contends that there ought to have been contained in the speech a distinct explanation that his Majesty did not mean to relinquish his interest in the hereditary

revenues of the duchy of Lancaster; and with a view to this point, it is material to refer to the language of former sovereigns, when they have invited the settlement of their civil list. George IV. relinquished his interest in the hereditary revenues of the Crown; but he did not on that account give up his interest in the revenues of the duchy of Lancaster; on the contrary, he expressly retained them, and in his speech to parliament in 1820, he said—"The first object to which your attention will be directed is, the provision to be made for the support of the civil government, and of the honour and dignity of the Crown—I leave entirely at your disposal my interest in the hereditary revenues." George IV. did not, nor did he mean to relinquish the revenues of the duchy of Lancaster, and nobody supposed that he did mean it; therefore, it is not the gross ignorance of his Majesty's government that is to be complained of; but the gross ignorance of the hon. and learned gentleman, which has led him to make the unfounded accusation. George III. also in his speech resigned his interest in the hereditary revenue; but he retained his interest in the hereditary revenue of the duchy of Lancaster. The speech, therefore, of his present Majesty, is in exact conformity with the speeches of his predecessors, George III. and George IV.; and I contend with confidence, that the present government are not chargeable with the gross ignorance, which belongs only to the hon. and learned member. But it seems that the terms "casual revenues" imply the relinquishment of the revenues of the duchy of Lancaster."

Mr. Brougham: I contend that the words of the speech imply every thing.

Sir R. Peel: And I contend that they do not. I suppose, that as a lawyer the hon. gentleman will not deny that the construction of particular phrases is to be collected from acts of the legislature, and I refer him to the language of the statute 1 George IV., to establish that it was never intended that the accounts of the revenues of the duchy of Lancaster should annually be laid before parliament, like the accounts of the surplus revenues of Gibraltar, &c., which it was provided should be presented before the 24th March in each year. Here, then, is an act of the legislature, giving an express construction to the words "casual revenues;" and I think I have shown that these words cannot be held to apply to the revenues of the duchy of Lancaster. I contend therefore confidently, that his Majesty's ministers cannot be justly charged with gross ignorance and stupidity for not including those revenues in words to which former speeches and acts of parliament have given a definite meaning, excluding those revenues. It will be more convenient on a future occasion to discuss the proposition of the noble lord for a select committee; though neither he nor the hon. and learned member seems to have made up his mind whether that committee shall have power only to examine accounts, or to send for persons, papers, and records; but let me tell them that the distinction is most material. The whole speech of the hon. member for Middlesex shows, that he would not be satisfied unless the committee had power to investigate the necessity of the most minute items of expenditure; nor do I see, whatever object the noble lord may have in view, how that could be otherwise answered. I beg to state, however, that at no period has parliament yet thought fit to appoint a committee with such extensive powers to enquire into the Civil List; though I will reserve until the proper occasion my objections to the nomination of a committee, now first proposed, to examine every particular connected with the Royal household, and the maintenance of the dignity of the crown. I hold in my hand a statement of the amount of every bill for the last ten years, and it has been prepared in order that the House may be able to compare the estimate of the present year with the expenditure of the past. If, however, the House of Commons deems it consistent with propriety to ascertain whether it was fit, in every instance, that the money laid out should have been so expended, all I can say is, that such a course will spare the King's servants some labour; but I do not think it is well calculated to uphold the dignity of the monarchy. There is no instance of the appointment of such a committee, excepting where a debt was incurred by the Civil List, and where resort was had to parliament for the payment of it. It seems to me that the accounts already produced, and those that will be laid upon the table this evening, contain so full an explanation of every item of charge, that I cannot believe the House will not be as competent to form its judgment upon every point on which its judgment will be required, as if a committee were to be named, with the limitations

imposed on former committees on the same subject. On this question the House cannot possibly decide until it sees all the documents; but this I may say, that the King's government would have been justly chargeable with an attempt to throw the responsibility of the settlement of the Civil List on the House of Commons, if it had not itself proposed the estimate of what it thought consistent with public economy, and a due regard to the comfort and dignity of the throne. I apprehend that the House will feel that we have pursued a course both accordant with propriety and conformable to ancient usage. The hon. and learned gentleman complains of the complexity of the accounts. Now, I cannot see how the accounts could be simplified by merely transferring some particular items from one account to another. Any man of sense, who will take the trouble of reading the act of parliament, will understand that those expenses have no connection with the personal expenditure of the sovereign. It may be right or it may be wrong to include them in the Civil List; but I, for my part, cannot understand how their omission could serve in the least to simplify the accounts. The hon. and learned gentleman says, that it is not fair to the monarchy to include in the Civil List expenses which are incurred for the public service, and not for the personal comfort of the sovereign, or for the dignity of the crown. But, Sir, for my part, I think it by no means expedient to separate the personal expenses of the monarch from every other expense. Such an arrangement, at least, would be contrary to that which has been hitherto adopted, and which met the assent of Mr. Fox, and of many other eminent men who were usually opposed to the ministers of their day, and equally alive to preserving the welfare and independence of the people, and the dignity of the crown. It never before has been suggested that there exists any necessity to make a separation of those articles of expenditure which are applied to the maintenance of the splendour of the crown from those which are applied to the service of the state. I am sure, Sir, that no arrangement could be made, of which mischievous and artful persons could not take advantage for the purpose of inflaming the minds of the ignorant and thoughtless. Look to the hand-bills which some designing persons have found means to circulate extensively, representing the Marquis of Bute to receive vast sums of the public money, while the truth is, that nobleman has never received from the public one farthing. The name of the noble Marquis is placed at the head of a list of persons who are described as receiving immense sums from the taxes. Now, Sir, I know that great dissatisfaction has been excited among the least informed of the people by those gross misrepresentations. But by what arrangements shall we be able to prevent mischievous men from making such statements, and ignorant and foolish men from believing them? Now, in what respect is confusion occasioned by the present arrangement? and in what degree would simplification be effected by setting aside, in a separate account from every other branch of the public expenditure, £400,000 or £500,000, or whatever sum parliament may see fit to allow, for the personal expenses of the crown? The impression on my mind is, that such an arrangement would be, for many reasons, inexpedient. And so far as public economy is concerned, it is of no consequence whatever upon what fund those other expenses (now included in the Civil List) are charged; for there is an express provision, that should any saving be effected in them, the sum saved shall not go into the privy purse, but shall be transferred to the exchequer. As regards public economy, therefore, I say, Sir, there is no difference whether those expenses be placed in this account or in that. But further, Sir, as to this sum of £400,000 or £500,000, which is said to be voted for the personal comfort of his Majesty, I deny that it is intended to contribute to his personal comfort. It is voted to enable him to maintain that splendour, the maintenance of which is inseparably connected, not with the personal comforts of the King, but with the public interest. Is the office of the Lord High Steward, or of the Lord Chamberlain, or any other of the officers of the household, instituted for the personal comfort of the sovereign? Certainly not. They are connecting links between the throne and the aristocracy, and unite together the separate bodies which, without some such connection and mutual dependence, might come into hostility and conflict. They are subservient to that dignity which the sovereign should uphold for the honour and interest of the nation, and which he sometimes upholds with great inconvenience to himself. Therefore, Sir, I doubt whether it be expedient to make an entire separation of

the expense of every public office from the Civil List, and to hold out to the people in a separate sum, the charge which they pay for the monarchy. I say it is a question rather of feeling, or at most of expediency, than of public economy. I believe that every man of intelligence in the kingdom is aware, that the Civil List does not merely include the personal expenses of the monarch, but that it also provides for other branches of the public service. I cannot suppose that we should either dispel illusion, or give satisfaction by the separation proposed. Even the advantages which are represented as likely to be attained by that arrangement do not seem to me of such importance as to counterbalance the inconveniences which would result from it. However, as this seems to me to be a question for the consideration of the committee—whether it be a mere Committee of Supply, or a committee of more extended powers, such as the noble Lord (Althorp) has proposed—for that opportunity I shall reserve the further explanation of my view of this question.

Mr. Brougham having explained,—

Sir Robert Peel again rose, and said that, when the hon. and learned member affirmed that a charge had been made against him, he seemed to forget that he had put them (the ministers) upon their defence, and that no charge had been brought against the hon. and learned member by him (Sir R. Peel), except in retort for a charge previously brought against himself. He had certainly dwelt upon one expression used by the learned gentleman, in which he had charged the ministers with gross ignorance. Throughout that discussion he had been altogether right, and the hon. and learned gentleman altogether wrong, notwithstanding the ingenuity with which he had endeavoured to support his construction of the passage in the King's speech alluded to. The revenues of the duchies of Lancaster and Cornwall were never, he contended, understood to be comprehended in the phrase "hereditary revenues of the crown." In surrendering the hereditary revenues of the crown to the disposal of that House, his late Majesty King George IV., had used the expression, that he surrendered them "entirely," and his present Majesty had said the same thing in other words—namely, that he surrendered those revenues "without reserve." The difference was only in the phraseology—there was no difference of meaning. The words of his Majesty's speech were these:—"I place, without reserve, at your disposal, my interest in the hereditary revenues, and in those funds which may be derived from any droits of the Crown or Admiralty, from the West India duties," &c. &c. Now, he would ask if it were not clear that his Majesty would have enumerated the revenues of the duchies of Lancaster and Cornwall amongst the others, had he proposed to surrender them? (no, no!) As to the statement that Mr. Fox was only twelve years old when the question of the Civil List was discussed, the fact was, that Mr. Fox was in parliament when Mr. Burke brought forward the act by which the Civil List was divided into the different classes of expenditure which it contains at present; and when that bill was before the House, Mr. Fox did not dissent from the arrangement. The hon. and learned gentleman (Mr. Brougham) asked why the ministers did not correct the mistake respecting the revenues of the duchies of Lancaster and Cornwall. On the second evening he (Sir R. Peel) heard that mistake corrected by his right hon. friend near him. If the hon. and learned gentleman was not in the House on that occasion, perhaps he was attending to his duties elsewhere; but he (Sir R. Peel) was in the House, attending to his duty, when the hon. member for Colchester (Mr. D. W. Harvey) asked whether the revenues of the duchies of Lancaster and Cornwall were included in the surrender, and it was distinctly answered that they were not.

INCENDIARIES IN THE COUNTRY.

NOVEMBER 15, 1830.

SIR ROBERT PEEL, in reply to a question from Mr. H. Sumner, said, I can assure the hon. member, that four or five hours every day of my life are spent in endeavouring to discover the perpetrators of these atrocious crimes. I know that voluntary associations have been formed to establish watch and ward in many threatened situations; and I believe that nothing but extraordinary local vigilance will provide

effectual security against these abominable offenders. No military force, no yeomanry force, can, I am afraid, defeat the wicked designs of men who have some ulterior object in view beyond the mere redress of a local evil: that I firmly believe. If any measure can be suggested, by forming local associations, or otherwise, for which the assistance of parliament or of government may be necessary, I shall be most happy to give it every possible consideration. I am perfectly certain that there is no plan, promising to be effectual, which this House would not cheerfully sanction in order to terminate a system so disgraceful. The House will not require me to disclose the measures I am adopting to detect the perpetrators—to do so would defeat the object itself. No expense, no exertion, on my part, has been spared, to bring these iniquitous persons to justice. If any difficulty should arise in forming voluntary associations, or in swearing in special constables, the House will, as I have said, be ready to sanction any mode of removing that difficulty, and I may add, for myself, that I will give any proposition my most willing attention.

Mr. Portman observed, that as the law stood at present, special constables might be sworn in by magistrates.

Sir Robert Peel referred to the statute of the 1st Geo. IV., which enabled magistrates to appoint special constables under certain circumstances. He did not know that it applied to cases where there was a mere apprehension of tumult.

In reply to Mr. Hume, Sir Robert Peel said—I deeply regret that the hon. member has connected two subjects which have not the most remote relation to each other—dissatisfaction with the government and the legal and acknowledged means of showing it—and this infamous system of destroying the property of unoffending individuals. I do not believe that he means what he has been stating; and I form that opinion of the construction of his words from communications he has himself made to me. I appeal to the House, whether it was for the hon. member to hold out even the shadow of a palliation for the late detestable proceedings, by arguing that the ministers are unpopular?

Mr. Hume:—I did not.

Sir Robert Peel:—The hon. member said, that the best law to put an end to them was to get rid of the ministers. Whatever he may do, I acquit those who feel dissatisfied with government of any participation in these infamous acts. I do not believe that there is a thinking man in the community, however opposed to government, who would participate in these excesses, and who would not join any confederacy to put an end to them. Whatever cause of dissatisfaction there may be, there is a clear distinction between that dissatisfaction, and outrage such as every man laments. The hon. member states truly, that voluntary associations have been formed in various situations, to take precautions against crimes of this nature: and I apprehend it will be found that magistrates are empowered, on any reasonable apprehension of meditated felony, to swear in special constables. I am, however, quite ready to consider any further suggestion, by a temporary law, to render that power more effectual. I earnestly recommend, from my experience, the utmost local and personal care; for I believe that these crimes have been frequently committed through the agency of one or two individuals of respectable appearance—so respectable as to disarm suspicion—unconnected with the parish or village where the fire takes place. Such has been the case in more situations than one; and I can suggest nothing but extreme local vigilance, and associations among the inhabitants, to protect their own property. I again repeat, that every measure it may be possible for me to adopt, without local knowledge, shall be adopted. I am prepared to consider any rational law, for any useful purpose.

Mr. Hume hoped the House would allow him to explain. The right hon. baronet had certainly mistaken or misrepresented what he had said. At least, nothing which had fallen from him could have been sufficient to excite much irritation.

Sir Robert Peel did not think that he misrepresented the hon. gentleman. But he must have greatly misunderstood him, if he (Mr. Hume) did not say that “no Act of Parliament which they could pass would have any effect in putting down the disaffection, unless it were accompanied by concessions.” * * * * * He disclaimed any intention to misrepresent the language of the hon. member for Middlesex, or to put a false or an unfair construction upon it. If the hon. gentleman wished the system of the incendiaries to be put down, he (Sir R. Peel) must say, that the

observations of the hon. gentleman were but little calculated to effect that object, and were at least ill-timed.

In reply to Mr. H. Sumner, Sir Robert Peel said he believed, that some advantage might be gained by making publicly known what is the true state of the law upon that subject. By the Act of 1 Geo. IV., c. 27, for increasing the power of magistrates under certain circumstances, it was provided, "that in all cases where it should be made appear, upon the oath of five respectable householders, that any riot or other breach of the peace had taken place, or was likely to take place, the magistrates may, by precept in writing, call on any number of householders to act as special constables, whenever they, the magistrates, shall see fit and necessary; in which case it is competent to the justices at the sessions to order the expenses incurred by such appointment of constables to be paid by a rate upon the county." Now, according to that law, when the magistrates are satisfied that reasonable grounds exist for suspecting that incendiary acts are meditated, they are empowered to appoint constables, and charge the expenses to the county.

RESIGNATION OF MINISTERS.

NOVEMBER 16, 1830.

Alluding to the defeat of ministers last night, in the division of the Committee on the Civil List, upon an amendment proposed on Sir Henry Parnell's motion,—

SIR ROBERT PEEL rose and spoke as follows:—"Sir,—The deep and unfeigned respect which I owe to this House induces me to take the earliest possible opportunity of publicly stating, here in my place, that, in consequence of what occurred last night, I have felt it my duty to wait upon the king, and humbly and respectfully to inform his Majesty, that I perceive it is no longer in my power to undertake the administration of public affairs, so far as the administration of those affairs depends upon me, either with satisfaction to my own feelings, or with perfect advantage to the country. Sir, his Majesty has been graciously pleased to accept the resignation thus tendered on my part, and I have to inform the House, therefore, that I consider myself as holding the seals of the Home Department only until his Majesty shall have been enabled to appoint a successor to me in the office which I have resigned. The same, Sir, is the case with the other members of the government. They all consider themselves as holding their respective offices only until their successors shall be appointed.

Lord Althorp and Mr. Brougham having spoken,—

Sir Robert Peel said, I feel it necessary, in order to guard against misunderstanding, to trespass again for a few moments upon the attention of the House. I am not apprehensive of any thing I have said being misunderstood here: but in order to guard against any misapprehension going forth to the country, I may be allowed to notice one expression which fell from the noble lord (Althorp) opposite. I know very well what the noble lord meant, but out of doors the expression to which I allude may possibly be misconstrued. The noble lord said, "There is no longer any administration in existence." This is, no doubt, in effect true; but it ought to be generally known and understood, that until my successor is appointed, I am in full possession of the authority of the Secretary of State for the Home Department; and that I am quite prepared, if public necessity should require me, to exercise that authority to its utmost extent, being quite confident that I shall receive the support of this House and of the country if I exert that authority in any case in which the public welfare calls for the exertion of it.

Lord Althorp said, I assure the right hon. secretary that I did not misunderstand him. God forbid that I should have imputed to him any disposition to allow the public service to suffer injury in consequence of the changes which are about to take place. All I meant was, that under such circumstances, motions of so much importance as that of my hon. and learned friend, have never been discussed in parliament.

Sir Robert Peel said, my explanation was intended to prevent misconception out of doors. I was well aware that the noble lord had not misunderstood me.

DR. PHILLPOTTS, BISHOP OF EXETER.

NOVEMBER 17, 1830.

In reply to a question from Sir J. Graham, relating to the proposed election of the Rev. Dr. Phillpotts as bishop of the see of Exeter,—

SIR ROBERT PEELE said, that his Majesty's pleasure had been taken respecting the issuing of the *congé d'elire* for the election of Dr. Phillpotts, before his Majesty's government had been dissolved, and before the notice to which the hon. baronet had referred had been given, and his Majesty's intentions had been notified, previous to the giving of that notice, to Dr. Phillpotts, respecting the living of Stanhope *in commendam*; the instruments for the *congé d'elire* had been accordingly completed; but no steps had been taken respecting the granting of the living of Stanhope *in commendam*, and no steps would be taken, until the consecration of Dr. Phillpotts had taken place. He should not feel himself justified in expediting the passing of any such instrument. He should not feel himself warranted in departing from the usual course, and therefore, until the consecration had taken place, he should not take any steps for the issuing of an instrument for the holding of the living in question *in commendam*. Probably his Majesty's government would be completed before that time, and he should not have the opportunity of taking any such step respecting such an instrument. At the same time, he would say, that with regard to any instrument upon which his Majesty's pleasure had been taken previous to the dissolution of the ministry, he should feel it his duty, as secretary of state, though holding the seals of office only *pro tempore*, to transmit to his Majesty such an instrument for his Majesty's signature. At the present moment, there were various instruments passing through the Home Office, respecting which his Majesty's pleasure had been already taken. This, however, he would state, for the satisfaction of the hon. baronet, that he might be assured that nothing would be done secretly respecting this; but that, in the event, which was very improbable, of his (Sir Robert Peel's) holding the seals of office when that instrument was to be made out, he should give him previous notice, and the fullest information which was necessary to enable him to bring that matter under the notice of the House. It was extremely improbable, as he had already said, that he should still hold the seals of office then. He could not promise that, in such an event, he would depart from the usual course; but he repeated, that he would give the hon. baronet notice before any step should be taken for making out the instrument. He was aware that any delay in the discussion of the hon. baronet's motion would be most disagreeable to the Bishop of Exeter, after the notice which had been given by the hon. Baronet. After that notice it would be most disagreeable to him if his friends in that House should not have an opportunity, as soon as possible, of stating the reasons upon which he grounded his defence.

THE METROPOLITAN POLICE.

NOVEMBER 18, 1830.

On the bringing up of a petition by Sir Robert Wilson, from the parish of St. John, Southwark,—

Sir Robert Peel said, that if he had remained in office, and if any one had proposed that a select committee should be appointed to enquire into the efficiency of the police, and whether the charge for it could be reduced, he should not have had the slightest difficulty in acceding to such a proposition. He should, on the contrary, be most ready to acquiesce in it; not because the expense of the police had in the slightest degree shaken his conviction that it was absolutely necessary that some such force should exist for the preservation of the persons and property of the inhabitants of this great metropolis, but because he should be glad to be afforded the public opportunity of examining into every proceeding connected with the new establishment, its mode of appointment, its arrangement, the real amount of the expense which was incurred for it, and of having a comparison drawn, both on the

score of expense and efficiency, between the present improved system of police and that which formerly existed. He should be glad to be afforded such an opportunity, for the purpose of doing away with the gross misrepresentations which had been spread abroad by interested persons on this subject. If, therefore, any such committee should have been proposed, he, for one, should have been most happy, if he had continued in office, to second the motion, as he felt convinced that the result of the evidence which would be produced before that committee, would be, to establish in every respect the great claims which the new police possessed upon the public approbation and confidence. People supposed that the sole object of the new police establishment in London, was to keep watch upon individual houses. Now no police, no matter how constituted, could do so effectually, if the individual inhabitants of such houses did not respectively exert themselves a little to protect their own property. It should be remembered, that within the last few months, in consequence of his Majesty's accession to the throne, there had been various public occasions,—such as reviews, and other public exhibitions,—upon which immense crowds of people had been assembled, and in all such instances the most perfect order had been maintained by means of the new police. It was obvious at once, that in a population such as existed in this metropolis of upwards of 1,200,000 persons, there should be some civil means for preserving order and regularity. If no such civil means existed, the only alternative would be the maintenance of an immense military force, and a corresponding increase in the army estimates and expenditure. If he had been rightly informed, the most perfect order and regularity had been maintained by the new police on the occasions to which he had alluded; and he had not heard, notwithstanding the immense number of persons that had been congregated on those occasions, that a single accident had occurred. He undoubtedly thought, that it might be made a question whether a portion of the charge for the police might not be fairly borne by the country at large. He believed that if the expense for the police had been limited to 6d. in the pound, they would not have heard a word about the unconstitutional nature of that force. He feared that it would be impossible to maintain the police establishment at a less charge than that now incurred for it; and if that charge was to continue to be defrayed by a local tax, it would be impossible to reduce it below 8d. in the pound. He must say, that when complaints were made of a charge of 2s. 6d. in the pound being imposed in consequence of the establishment of a local police, that such a charge was not countenanced by the law. The maximum charge was fixed by the Act at 8d. in the pound; and if the overseers of the different parishes asked the inhabitants to pay 2s. 6d. on account of the new police, he would tell them that the overseers had no legal authority to levy more than 8d. for that purpose. He knew that a great misunderstanding prevailed in the public on that subject, and he thought it right to say thus much with a view to remove it. He was afraid that the result of the labours of a committee, if the charge were still to be defrayed by local taxation, would not be to reduce its amount. He hoped that a committee, if one should be appointed, would enter minutely into every portion of the financial question with regard to this force—that it would consider the amount of the wages—the mode of forming the various corps; and that it would examine into the condition of every class of the police, and that it would consider whether it was possible to produce an efficient and respectable corps for less than the present charge. He did not think that such a force could be produced for a less charge; but if it could, and he had continued in office, no man would have been more ready to acquiesce in any suggestions from a committee to attain that object. The chief objection which had, in the first instance, been urged against the plan of the new police was, that the amount of salary was not such as would secure respectable persons to fill situations in it. A guinea a-week was the salary, subject to certain deductions for lodgings, and other matters. One great object in the formation of the new police establishment was, that having removed it from the power of the local authorities, Parliament might always have an opportunity of exercising its power of inspection over it, and that from time to time the various matters connected with it should come under the consideration of that House. He conceived that the period had hardly arrived for the institution of such an enquiry; but at the same time, if the excitement of the public mind was such as had been represented, let a committee be appointed, for he would maintain that, having taken away the local authority over the police, that House was

bound to institute any enquiry which might be necessary on the subject. He would say, as secretary of state, that if the police force was not honestly managed and conducted, it would be a curse, instead of being an advantage, to the public. He was therefore of opinion that a parliamentary committee should from time to time be appointed on the subject, not with a view to throw any doubts upon the general efficiency of the new police, but for the purpose of seeing whether improvements might not be made in the efficiency and arrangement of that force. With regard to the recommendations of the parishes, they had been always properly attended to; he had shown no favour in the appointment, and he was sure that every gentleman in that House must know that he had not prostituted the appointments in the new police to any private purpose. The parishes should understand that they could recommend individuals who were qualified for the situation, and that their recommendations would be attended to, as well as those from any other quarter. But if the parishes were to recommend those they thought fit, and if there was to be no difficulty whatever in complying with their recommendation, the effect would be to give to the parishes a control over the appointment of the police, which it was the object of the act to take out of their hands. The effect would be to do away with all the benefits resulting from the new police establishment, and to do away with the arrangement of the whole metropolitan police being placed under the control of one head, upon which arrangement the efficiency of the present public establishment so entirely depended. At the same time he thought that there should be always a ready disposition on the part of that head to act in concert, and co-operate with the parish authorities.

Sir Robert Peel afterwards gave notice, that immediately after the Christmas recess he would move for the appointment of a select committee on the subject. He repeated, he would move for such a committee, not from any doubts which he entertained of the efficiency of the new police, but because he was anxious that the whole establishment should be examined.

Sir Robert Peel, in reply to Mr. Wyse, observed, that the hon. member was mistaken, since the expense of the constabulary force in Ireland was not supported by local taxation alone. A considerable part of the expense of that establishment was taken from the consolidated fund. He would now refer again for one moment to the expense of the new police establishment, in order to say, that by the terms of the act which he had introduced for the establishment of the new police, an account was to be laid before parliament, within thirty days of its assembling, of the real amount of the sums paid by each parish on account of the new police. That provision referred to the meeting of parliament after December; and therefore, when parliament did again assemble he should move for that account, with the view of showing that the sums stated to have been paid for the new police had not been really required for that purpose.

NEW MINISTRY.

NOVEMBER 22, 1830.

SIR ROBERT PEEL, in reference to the hon. member's allusion to, and implied want of vigilance and promptitude in the late cabinet, with respect to the disturbances existing in some parts of the country, could only say, that every aid which it was possible for the counties in question to receive from the military force at the disposal of government, they had received; that every suggestion of the local magistracy—every suggestion calculated to stop the evil—had been adopted by the late government, which paid the most undivided attention to the case. Where parties locally interested co-operated with government—where the disposition towards disturbance had been promptly met by them—it was always suppressed. He had seen individuals, unsupported by any force, refuse to sign papers guaranteeing a reduction of rents and tithes, and he knew of no one case of personal violence having been offered to such individuals, who were uniformly successful in their resistance to such lawless demands. In all case of this nature the rioters had retired, threatening perhaps to return on a future day, but they did not. No doubt, if there was not a sufficient

military and local force to support persons who acted thus, and repress disturbance, Parliament would be at least as much in fault as the late government, for having compelled ministers to adopt dangerous reductions. He repeated, every thing which it was possible to do had been done in the way of despatching detachments of the military, and sending portions of the police of the metropolis (although that was a body intended for other purposes), to aid the local force where the exigency called for such assistance. Every species of civil, military, and legal assistance had been promptly given to the local magistracy.

Sir Robert Peel afterwards, in reply to Mr. Baring, ventured to say, that if a proposal had been made by government last year to increase the military force of the country, in anticipation of disturbances such as now existed,—he ventured to say that the proposal would not have met the approbation of the hon. gentleman. The hon. member had said, the disorders might still be put down, and in this sentiment he quite agreed with the hon. gentleman. Indeed, he saw no reason for apprehension. He thought that, even without reference to a military force, the fact of every man that was menaced being, as was doubtless the case, prepared to fight in defence of his property, was sufficient without such an effort. If aggressions were met by a pusillanimous compliance, no military force would suffice to put down the disturbances. Every man who had landed property had dependents more or less numerous—let him arm them, and they would repel all aggression. A case had occurred in which this was done, and one hundred and fifty men put down a riot. Let others follow the example, and refuse to make concessions to tumultuous violence, and he would assure the hon. gentleman that there existed a military force sufficient (when thus aided) to put down the disturbances. But without that, all the military and civil force that could be brought to act—all the efforts of a Secretary of State—were as nothing. Indeed, it would be a perilous state of things if every thing depended upon the energy and sagacity of an individual sitting in an office at Whitehall. It would be impossible for a Secretary of State, or any other functionary, to act with advantage in such cases, unaided by the suggestions of the local magistracy.

SALARIES, PENSIONS, NATIONAL DISTRESS.

DECEMBER 6, 1830.

In a conversational discussion, originated by Mr. Waithman, relating to salaries, pensions, and national distress,—

SIR ROBERT PEEL, rising after Mr. George Robinson, said, he thought the hon. gentleman had shown, by his own observation, that such an enquiry as he had recommended would be vague and unsatisfactory. He had mentioned one topic on which he desired a special enquiry, namely, the operation of taxation in producing the general distress. For that he wanted a special committee. If a committee were appointed to enquire into the causes of the general distress, that cause would undergo investigation; and was he to be told that it would be possible for one committee to enquire into all the causes of distress? That one committee would have to enquire into the effect of the corn-laws—of the poor-laws—into the effect of taxation; and, after having enquired into the effects of all these things, it would have to find out remedies for the distress. If, however, a committee could be appointed to enquire into the subjects mentioned by the hon. member for Callington, he thought it would be beneficial. The time was come when it would be most expedient for the House to institute some enquiry into the state of the agricultural districts, and into the causes of the disturbances in the southern counties; and particularly into the practical operation and administration of the poor-laws. An enquiry, limited to the defects of the administration of those laws, might be most useful, and he would willingly go into it, without any reference to party or politics, but solely with a view to better the condition of the labouring classes. It was of great importance to get a few facts, so that the present condition of the labourer in some counties—in the weald of Kent and Sussex, for example—might be contrasted with his condition in other counties, under different physical circumstances, and with

his condition in past times. He should like, also, to contrast the condition of the agricultural labourers in those districts where wages were paid out of the rates, and where roundsmen were common, with their condition in those districts where the wages of the labourers were wholly paid by the employer, and roundsmen were unknown. The practical operation of the two systems would then be accurately known, which would be of great use. He would enquire also into the influence of rents, and into their amount. At present, it was generally stated that high rents had contributed to the distress. That was not his opinion; but in the committee those who supported that opinion could be heard, and the landowners might have an opportunity of proving its incorrectness. The committee might enquire, too, into the probability of our population finding a vent in our colonies of North America. A gentleman, who had been sent thither to make enquiries into the quantity of land yet unappropriated, and into the best conditions of making grants, had lately returned, and he had made his report to the Secretary of State for the Colonies; and a committee, having his information, might examine how far voluntary emigration might be looked to as a means of relief. If he only had complete information as to the present state of the agricultural labourers in two or three counties, and their condition in the same counties forty years ago, and some knowledge of their condition in other counties, he would not say that some remedy for the distress might not be devised; for he still remained of opinion, that a correct arrangement of a few prominent and leading facts was the best foundation for future measures. If he were placed in the committee, he should make it his object to devote his time to the enquiry; and the public time of public men could not be better employed than in investigating such a subject.

Sir Robert Peel, in reply to Sir E. Knatchbull, said he hoped it would be understood that he attributed the present condition of the agricultural classes to no particular persons, nor did he speak of it as caused by the fault of any body of men. He was afraid that the condition of the agricultural labourers had been gradually deteriorating for several years past, but he did not attribute that as a fault to any one class. He wished it also to be understood, that he had never once thought or said, that the deterioration in the condition of the agricultural labourers was caused by the conduct of the upper classes.

THE CIVIL LIST.

DECEMBER 7, 1830.

SIR ROBERT PEEL addressed himself to Lord Althorp across the table, and was understood to say, that as the order of the House had already been made for the appointment of a committee upon the civil list, his Majesty's ministers ought to move to rescind that order, and then to appoint another committee, as it would be very irregular and improper to keep the present committee in abeyance, merely upon a private understanding that the noble lord was preparing papers, and getting ready propositions to lay before it. He apprehended that another committee could not be appointed, nor could the subject, with propriety, be taken out of the hands of the present committee, unless the House first rescinded the order for its appointment.

In reply to some hostile animadversions by Mr. J. Wood, Sir Robert Peel arose, and, thus expressed himself:—Mr. Speaker, I never heard such a speech as that in my life. Is it for the hon. gentleman, because I chose to put a question to his Majesty's ministers on the course they mean to pursue, to lecture me?—Does the hon. gentleman consider himself entitled to lecture me, I say, upon throwing impediments in the way of his Majesty's government? Impediments!—what impediments have I thrown in the way of the noble lord? The noble lord may, perhaps, be perfectly reasonable, perfectly right in his wish, that government should have time to consider what civil list they will propose to the committee, and that the committee shall not meet until the proposition is ready to be made. But what I say is, that an order of the House is already made, that a select committee be appointed, and yet the noble lord says he shall not be prepared to make any proposal to that committee until after the Christmas recess; and therefore two months must elapse before the

committee can sit with effect. If this be so, surely there ought to be some distinct proceeding on the part of the House to sanction the non-meeting of the committee. The hon. gentleman says, because I was against the appointment of that committee, I ought to be ready to acquiesce in the proposal of the noble lord. Sir, we are to consider the orders of the House, and not the sentiments of individuals. If the noble lord thinks that the committee ought not to meet till after the Christmas recess, this postponement should have the direct sanction of the House.

After some unimportant remarks from Lord Althorp, and one or two other members, the conversation dropped.

GRAND JURIES IN IRELAND.

DECEMBER 9, 1830.

In a debate upon certain resolutions, moved by Sir John Newport, on the subject of grand juries in Ireland,

SIR ROBERT PEEL said, he wished to make a few observations on the course of the proceeding rather than on the substance of the motion. The right hon. baronet had proposed five resolutions in detail, calling on the House to affirm several important matters. The House should be careful how it affirmed those matters; and he would therefore suggest that it would be better, before affirming those matters, that the House should see the resolutions in print, and have an opportunity of well considering the subject. He objected, then, to the course adopted by the right hon. baronet. The object of the resolutions was to declare that the lessee should not pay the cess, which should be paid by the lessor. He wished the House of Commons to declare that the occupier ought not to pay the assessment; but surely the interval between the House of Commons making that declaration and passing a bill to impose the payment on the other class, should be as short as possible. When the right hon. baronet remembered the agitated state of Ireland, he would himself see the propriety of not condemning one system, by a resolution of that House, before the legislature were prepared to establish another. His right hon. friend (Mr M. Fitzgerald) knew that he did not agree to all his views. He objected to establishing any board, whether under the government or not, to regulate local taxation. Local taxation should, he thought, be regulated by local authorities, which he preferred to any board. The object, he thought, should be to establish a local authority, but to place that authority under certain restrictions, and subject its acts to revision. Certainly he objected strongly to the present plan of allowing one individual to name all the members of these little parliaments, as the grand juries were called. All the objections to select vestries applied with great force to a body of twenty-three persons, selected by one individual. He wanted to see the people of Ireland take an interest in such institutions themselves, and he should like to see them establish, with certain checks, institutions for local expenditure, such as were in England. He did not wish to see the body to which this power was intrusted very numerous—it might nearly approach the number of an English grand jury. He wished next to separate the judicial power from the power of levying taxes. If twenty-three gentlemen asserted that a tax was necessary, or if they, as the taxing body, should feel objections to any tax proposed, he should not be disposed to prefer the decision of any other body, particularly if they were taken from the landowners, and the landowners were to be, as was proposed, the rate-payers. On this body, however, there ought to be a check. It should have the absolute power to levy taxes for useful works; but, to have an assurance against jobs, two means might be employed so as to ensure that the money was expended properly. He would give a veto to some Board on any project involving a large expense—such as several thousand pounds; and he would not allow the work to be done except by public contract. He knew no other body so likely as this to determine correctly what works were useful. Then there ought to be, on the part of the public authority, a power to compel the grand jury to give an account of all the money expended. He could not see in this case any objection to give such a power to the government; and he did not know why the treasurer of the county should not be called on to render an account of all the money

he was authorized to expend. These were the great principles on which he would proceed. With respect to advancing money for public works—though he admitted that, in particular cases, it had been advantageous—he could not give his assent to it as a general system. To give £100,000 to relieve urgent distress might be necessary; but to employ the public funds to find employment for the people, was likely to stimulate population beyond its due proportion. It would interfere with the natural demand for labour; and, as the stimulus could not be continually and perpetually applied, it must end in a convulsion, and greater distress than it was intended to relieve. It could not confer a permanent benefit on the country. Moreover, to advance money on a great scale for carrying on public works, would not accord in any manner with the general financial system of this country. In conclusion, the right hon. gentleman apologised to the House for the length of his remarks, and expressed a hope that they would not be considered as at all tending to undervalue the exertions of the right hon. baronet, or lessen the importance of the object he had in view.

Sir John Newport's resolutions were withdrawn.

REDUCTION OF SALARIES' COMMITTEE.

DECEMBER 10, 1830.

In a conversation respecting the select committee which had been appointed the preceding night, on the motion of Lord Althorp, for an enquiry into the salaries of public officers under the Crown—

SIR ROBERT PEEL admitted that the committee was very fairly formed. If individuals were not included who last night spoke in favour of reduction, it could only have been the result of chance, arising out of the manner in which the appointment of committees was ordinarily arranged. The subject to be considered was an exceedingly delicate one. It would be very difficult to say what would be a sufficient remuneration for a Prime Minister, or a leader in the House of Commons, without enquiring into the private circumstances of the individual. With reference to the circumstances in which he was placed, he could not help thinking that the object of this enquiry would be much better served by omitting him (Sir R. Peel) and his right hon. friend. They were placed in a more painful situation than if they even were subject to the influence of the government; because any honourable man in office would much rather agree to a reduction of his salary, than say that for many years he had been receiving more than the public ought to have paid. In his opinion, therefore, it would be more likely to afford satisfaction to the public, if those who had held office were merely called on to give their evidence. It would be much more agreeable to him to appear before the committee as a witness, than to sit on it as a judge; for if he gave his conscientious opinion that the salaries ought not to be lowered, it might be unjustly supposed that he was only vindicating the character and conduct of himself and of those who had been connected with him in office. If it were necessary that he should act on the committee, he would not shrink from the performance of his duty; but he thought it would be better to omit his name and that of his right hon. friend. He begged leave again to state his willingness to give all the information in his power to facilitate the enquiry; and to say, at the same time, that he thought the committee was very fairly framed.

PROCESSION OF THE TRADES TO ST. JAMES' PALACE.

DECEMBER 10, 1830.

In a discussion which commenced with Mr. Grove Price, respecting the large masses of the people which had accompanied the deputation from different trades, to present an address to his Majesty at St. James' Palace, a few days ago—

SIR ROBERT PEEL said, there could be no doubt that a meeting such as that assembled the other day, for the purpose of going up with an address to the sove-

reign, was illegal. Such a meeting might be, as that was, quite peaceable, but still an actual tumult was not necessary in order to render it illegal. The mobs which assembled under Lord George Gordon, professed that they met for the most peaceable purposes; but, nevertheless, all the authorities of that day, and ever since, had no doubt that they were illegal assemblies. Indeed, it was impossible to consider that an assemblage of 10,000 or 20,000 persons round the doors of Parliament, in times of public calamity, or in a period of great excitement, should not have some undue control on their proceedings; and on this ground such assemblages, however peaceable their professed and even real object might be, were very wisely prohibited. With respect to the case before the House, he was very glad to find that Government looked upon it rather as an exception to the general rule than the rule; for undoubtedly, if such assemblages were to be permitted on the precedent of this, it might lead to serious evils, and certainly would cause very great public inconvenience. He owned he had heard now for the first time, but with great regret, that a tri-colored flag had been borne amongst the banners of that procession. He heard it with the more regret, as, from the communication that had been made to him by the deputation that had waited upon him before he went out of office, he had understood that nothing of this kind was contemplated. Three persons from the trades' societies had waited upon him, acquainting him with the circumstances to which the noble Lord (Althorp) had already alluded in his statement of what occurred before the noble lord now at the head of the Home Department. Those three individuals were not of any high rank in life; but he had received and treated them with a respect which he considered very justly due to the good sense and intelligence which they appeared to possess. They stated the disappointment experienced by the trades at the postponement of his Majesty's intended visit to the city, after the expensive preparations they had made in flags and banners to receive him, and they expressed a wish to be allowed to present their address at the levee. He said, there could be no objection to that course, but it must be with the clear understanding that not many of their body should come up with the deputation. On that understanding they went away; and he had no doubt that a similar understanding was entered into with the noble lord, his successor in office. As to the tri-colored flag, he would admit that, as the flag of a country whose change of government we had acknowledged, and with which we were in perfect amity, it could not be considered as the representative of any crimes which in former times had been committed under it; but, at the same time, he should wish, that in a procession got up to compliment the sovereign of this country, there should be no other flag introduced but our own national flags. He would have said the same last year, had the white flag been borne in any similar procession. Still he must hope that there was some mistake in this, and that a flag belonging to one of the trades, which were of various colours, was mistaken for the tri-color; for he owned he could not have expected, after what had passed between him and the leaders of this procession, that they would have sanctioned any thing of this kind.

Mr. Cornewall said, that he was in Pall-Mall on the day in question, and saw the whole procession pass. He could not tell why, but there had been an impression on his mind, while the procession was passing, that he should see the tri-colored flag among the banners; but it was not there; he could take upon himself to say, that there was no tri-colored flag, and he should be ready even to depose to that fact in a court of justice.

Sir Robert Peel was now more convinced that there must have been some mistake as to the flag being a tri-color; but even if it were, it would be unfair to fix upon it as the act of those who managed the procession. In an assembly of 10,000 persons, it was impossible to guard against the introduction of such a flag, by one or two; and it would therefore be unjust to charge it as the act of the whole.

After some remarks from Lord John Russell,—

Sir Robert Peel said he wished to be understood as not giving any opinion as to the policy of permitting this procession; but he would fully admit that, under the circumstances in which the knowledge of it had reached the noble lord, the Secretary for the Home Department, it would have been impolitic to proscribe the meeting. He had been long enough in office himself to know the cases of difficulty which often presented themselves to the Home Secretary, and he fully admitted the difficulty

in which the noble lord was placed when he heard of the intended procession at so very short a period before the day that it was to take place. No doubt, if sufficient notice had been given, the noble lord would, as he ought, have prevented it; but with so little notice, and the preparations that had been made, it was, he admitted, acting with prudence to let it proceed undisturbed.

SLAVERY IN THE WEST INDIES.

DECEMBER 1, 1830.

In a discussion which arose on the presentation of a petition by the Marquis of Chandos, from the West India Planters, and others interested in property in the West Indies,—

SIR ROBERT PEEL said, it was impossible to overrate the enormous difficulties of the question presented to the House, or to avoid feeling how much danger there was in the discussion, and how much mischief might be produced by the use of hasty and unguarded expressions. He thought the House could not be too cautious in this respect, and he implored the members to abstain from any language of recrimination or exaggeration, and from raising expectations in the minds of the black population of the colonies which must prove eventually beyond their power to realize. What was at that moment passing in every part of the world must teach them the danger of tampering with such subjects, and he conjured them to take care that, while they were extending instruction, they did not also give expectations of speedy benefits which it would not be in their power to confer, and raise expectations of advantages which would prove wholly illusory. He was sorry to observe that the hon. member for Weymouth (Mr. F. Buxton) had made use of expressions totally at variance with those of the hon. and learned member for Calne (Mr. Macaulay). The hon. member had told them, that there was a third party, independent of the government, and independent of the slave or of his master, whose interests and wishes must be consulted, and who had a right to be heard by the legislature, and a claim on its attention, which could not be postponed. If, therefore, they were prepared to postpone the final settlement for a single day, the effects might be mischievous under such circumstances. Unless they were prepared to dissolve the traffic in this living merchandise on the instant—and who could say that they were?—he entreated them to be cautious of making use of expressions which could only irritate the passions, and might lead to incalculable mischief. Could any man, however, who listened to the speeches of the hon. member for Weymouth, close his eyes to the difficulties of the question? The hon. member for Calne admitted in the fullest manner that there must be compensation made to the planters. If their claim to compensation were admitted, what was to be its amount? Was the country to recompense the owner for the direct loss he would sustain in his slave, or from the consequential loss he must suffer in his property and plantations? These were grave and serious questions to be decided before they came to the point of emancipation; and then, supposing that eighty millions would be required for the purpose, were they prepared at once to demand that sum from the people of this country? Supposing, however, that emancipation was determined, and that compensation was to be granted, what security had they that the colonies would not be involved, before they could carry it into effect, in a general conflagration? Did they consider the consequences of suddenly making such an alteration in the existing state of society? Could they, when the slave was emancipated, secure the control of the planter over him as a freeman? When the planter received compensation for his property, all desire to remain in the colony—all stimulus to watch over its interests, would be taken away from him. The aristocracy—if he might make use of such an expression—would leave the colony, having no inducement to remain. There would be no link by which society could be held together—there would be no magistracy—no power by which wrong was to be punished, or right secured; and the colonies would present a scene of civil war, and a succession of barbarous conflicts, unmitigated by any of those checks which, in the civilized portion of the world, were found to soften the horrors of the fiercest party hostility.

These were a portion of the evils which might flow from an indulgence of intemperance of expression, or from a too hasty compliance with the claims of the abolitionists. He only entreated them to pause until they could fairly approach the evils which they all ardently desired to see mitigated, but which never could be effectually dealt with, unless they looked not more at the pecuniary rights of individuals, than at that which was of even much greater importance—the permanent welfare of the slave.

Sir Robert Peel, in reply to Mr. O'Connell, protested against the consequences which must arise from the proposition of the hon. gentleman. If a bill were brought down conferring immediate freedom upon those who should hereafter be born, what would be the feelings of those who now lived in slavery, and what would be the evil to the colonies? But he did not mean to deny that every effort ought to be made for the amelioration of the system. Slave-evidence ought undoubtedly to be received, he would not say for the benefit of the slaves, but for the interests of the country, as well as of humanity; some other amendments were equally called for.

The petition to lie on the table.

THE TRUCK SYSTEM.

DECEMBER 14, 1830.

In the debate upon Mr. Littleton's motion for leave to bring in a bill to consolidate and amend the laws relating to the payment of Wages in Goods,—

SIR ROBERT PEEL said, he meant to support the bill of the hon. member for Staffordshire; but in no stage of it would he consent to a committee of enquiry. The bill was, perhaps, opposed to the rigid rules of political economy. The rules of that science had reference to the production of wealth in a nation, but he must enquire what effect the application of them, in a given case, was likely to have on the morals of a country. Now, if it were shown to him that the application of those rules added to the stock of wealth, but tended, at the same time, to the destruction of morals amongst the people, he certainly, to preserve those morals pure, would overlook and throw aside the principles of political economy. They had established, amongst the greatest improvements in science, a standard of money, by which the value of different commodities was to be obtained. Now, the only commodity over which the poor man had any command was his labour. That being the case, then, he had a right to enquire whether, in giving up that labour, the bargain made with the poor man was a free, just, and equitable one. Supposing that the transaction was not a fair one on the part of the master, he would ask, where was the poor man's remedy? If the poor man were to be paid in money, then it was easy for the magistrate to decide, if a complaint were made to him. If the poor man had stipulated for 2s. and got only 1s. 6d., it was evident that the magistrate could grant redress. But if the labourer agreed to take a certain quantity of goods for his debt, in that case he had no legal remedy by which he could recover the price of his labour, because it then became a question of quality, and not merely of quantity. If the quality be deteriorated, and the quantity was not curtailed, there was no mode by which the poor man could legally enforce justice. On these few, simple, and tangible grounds, he should vote for the bill of the hon. member for Staffordshire. He was favourable to the payment of wages in money, because it encouraged feelings of sobriety and independence. He wished the poor man to have an opportunity of laying by a little money for old age, as a portion for a daughter, or a provision for his widow. This could not be done where the truck system prevailed, and men were paid, not in money, but with bad butter, or bad cheese, which they were obliged to sell at a ruinous loss.

The motion was agreed to, on a division, by 167 against 27; majority, 140.

EVESHAM ELECTION.

DECEMBER 16, 1830.

The Marquis of Chandos having moved, that the Speaker do issue his warrant to the Clerk of the Crown, to make out a *supersedeas* to the writ that had been issued for the election of two members for the borough of Evesham, a debate arose,—

SIR ROBERT PEEL, rising after Lord John Russell, said he admitted that the noble lord had placed the question fairly before the House, and had discussed it with that same candour which always distinguished his parliamentary conduct; and he felt confident, from the candour of the noble lord, that he should convince the noble lord that a *supersedeas* of the writ ought to take place. He agreed with the noble lord, that the considerations urged by the hon. member for Blechingly should be put out of the question. The House ought not to allow any decision as to the general question of Reform, nor any discussion as to what was to be done, if the borough were disfranchised, to interfere with the present motion. The question was, whether the House had evidence before it sufficient to prevent the issuing of the writ, and whether they should call upon the people who had been corrupt at the last election to send two other members to that House? That was the single question before the House, and the objections urged to it were threefold:—first, there was the objection of the hon. member for Staffordshire, that to suspend the issue of the writ would have a tendency to interfere with the provisions of the Grenville Act, and diminish the power of Election Committees. That argument had no foundation. The election committee had chiefly to decide between the sitting members and the candidates; and, as far as they were concerned, the decision of the committee was final. If the House were to interfere with the suspension of the writ, that would not be dealing with the decision of the election committee. The report of that committee related to the sitting members, Lord Kennedy and Sir Charles Cockerell; but the committee had also made a special report, as the noble lord had stated. The ordinary report was, that Lord Kennedy and Sir Charles Cockerell were not duly elected. That was the ordinary report, on which their exclusion was founded. Appended to that, however, was another report, which stated that Sir Charles Cockerell, or his agent, had been guilty of bribery, and that several of the electors had suffered themselves to be bribed. That was the special report. The Grenville Act did not make the special report binding on the House; but it said, that if the committee which is appointed to determine the rights of sitting members shall instruct its chairman to make a special report to the House, the House may conform to or disagree from the resolution of the committee, and make such an order as it liked. If the House adopted any order, or refused to adopt it, contained in any special report, it would only be acting in conformity with the principle laid down by the House of Commons; and, therefore, he considered the objection of the hon. member of no force. The next argument was that of the noble lord, who had referred to precedents, but stated, in which he agreed, that these precedents, though generally founded in reason, were not to be slavishly followed. He would put it to the noble lord, if the precedents he should quote would not make the noble lord admit that the writ ought not to issue. Two precedents might be referred to—those of Penryn and Camelford. In the Penryn case, the special report stated, that John Goodeve, Henry Durnsford, and Abraham Winn, had been guilty of corrupt practices, and Henry Parker, and several other electors, had received bribes to induce them to give their votes. There was no imputation of general corruption. There were three persons accused of attempting bribery; and eight others accused of receiving bribes! and it was thought by the House of Commons, that it was sufficient to justify suspending the writ that only eight persons had been guilty of bribery; that was the Penryn precedent. In the case of Evesham, though there was no special report, it was stated that twenty-two persons received bribes. If in Penryn there were only eight persons bribed, and if, as it could not be doubted, that twenty-two were bribed in Evesham, ought the House not to conclude that the issuing of the writ ought to be suspended in the case of Evesham as in the case of Penryn? The House should consider that the motion was not to suspend the writ indefinitely, but only till the evidence should be laid before the House. Would it be decent even, to give those who had been

guilty of corrupt practices the power to renew them, till the House had read the evidence. In the case of Camelford, what was the special report? That John Stewart had acted in a corrupt manner, and been guilty of bribery, and was incapable of sitting; and that John Rounsevel, and four other electors, had corruptly endeavoured to procure the return of two members to serve in Parliament for Camelford. In this case there were only five voters corrupt, and yet the House of Commons suspended the writ. There was no general allegation of corruption. Here, then, were two precedents of suspending the issue of the writ—clear cases; and would not the House, therefore, suspend issuing the writ for Evesham, in which twenty-two voters had been guilty of corrupt practices, and had accepted bribes, only till the House had read the evidence? The noble lord must see, that the precedents were not in his favour, and were in favour of withholding the writ. If the noble lord would reject precedents, and try the case by the principles of common sense and reason, he would probably come to the conclusion, that the writ ought not to be issued. Could there, in fact, be any doubt on the subject? One hon. gentleman had stated, that corruption had been the inveterate practice of the borough for fifty years. In his opinion, among the out-voters the practice was general. They had the testimony, too, of an hon. member, who had stated, that he had relinquished his connexion with the borough, because he could not conscientiously consent to the demands for bribes made on him. That was in evidence before the House; and did not, then, good sense and reason say, that the writ ought to be suspended till the House could institute a full enquiry into all the circumstances? Was it, in fact, possible to hesitate under such circumstances? The hon. gentleman indeed said, let the House consider that we have now an administration pledged to reform, and let it leave to that the task of enquiring. Admitting that we have such an administration, he must deny that the government was competent to enquire into all the peculiarities of resident and out-voters. Was it fit that the House should delegate to the ministers the propriety of deciding the elective franchise of this borough, and of determining, to use a phrase of the hon. member, which he had well remarked and remembered, on the propriety of excising the borough itself? If it were to be done, let it be done by an enquiry instituted at that bar, and not done by a private enquiry instituted by his Majesty's ministers. The government was not fit to institute such an enquiry—it could not receive evidence, and he did not know any plan more likely to be productive of injustice to the parties, than for the government to undertake the enquiry. On the ground, then, of the Grenville Act—on the score of precedents, and on the principles of good sense, and reason, and justice, it would be wise to order a suspension of the writ till the evidence should be before the House. With reference to the new-born zeal with which the hon. and learned gentleman taunted him, he must state, he was not obnoxious to the hon. and learned gentleman's remarks. The hon. and learned gentleman's motion was not opposed by him; on the contrary, he supported that motion, and was satisfied with much less evidence than others, in the cases both of Penryn and East Retford, that the writ ought not to issue. He had always contended that the franchise was given for a public purpose, and that the House had a right to dispose of it when that would benefit the public. He had taken no part in any former debate that should preclude him, on any fit occasion, from transferring a franchise from a corrupt borough to Birmingham or any other large unrepresented town. In the Penryn case, he had been willing to transfer that franchise to Manchester. Upon the former occasion he had been asked what course he would pursue in any future case of delinquency on the part of a borough. He had declined to answer that question, declaring that he would act on every occasion as the circumstances of the case required. He had reserved himself at full liberty to give the franchise to great towns on any fitting occasion. He was not, however, disposed to enter into the general question. He would only ask, whether it would be wise, after the allegation which had been made by the members of the committee, to intrust again the franchise to a borough which had abused it? He did not call on the House to decide that it should not be intrusted—that was not the question—but to decide that it would not give the trust till it had seen the evidence.

The motion was agreed to without opposition.

LEGAL APPOINTMENTS IN IRELAND.

DECEMBER 20, 1830.

In a discussion which arose upon the subject of the removal from office of the Under Secretary of State for Ireland,—

SIR ROBERT PEEL observed, that in what he was about to say, and he meant to advert to most of the topics which had that evening been brought before them, he would avoid any reference to party. Indeed, he would not have spoken at all, had there not been a kind of personal appeal to him. In the first place, with reference to the dismissal of Mr. Gregory, he must beg to bear his strong testimony to that gentleman's merits; and he was bound to say, that whatever might be Mr. Gregory's political opinions, he (Sir R. Peel) was perfectly convinced that that gentleman would not withhold that cordial assistance which it was his duty to render to those who were at the head of his department, whatever might be their political conduct. Mr. Gregory, however, like other meritorious public servants, had been the victim of the calumnious press of Ireland. It was well known, that whatever might be the tenor of any man's conduct in that country, he became obnoxious to the severest censure from the press. Be his opinions what they might, he could not escape. He believed that all the attacks which had been made upon Mr. Gregory were unfounded. He believed that that gentleman was incapable of being swayed in his public duty by his political feelings. A man of greater integrity and honour in private life he had never met with. He was bound, however, to admit the soundness of the statement of the right hon. member for Waterford, that those who were responsible for the conduct of the government, should be entitled to choose their own auxiliaries. No doubt, after thirty years' service, Mr. Gregory was entitled to retire. The zeal as well as the length of his services, entitled him to grateful consideration; and he hoped, that no pledge which his Majesty's government had given of retrenchment, would prevent them from taking a just and liberal view of Mr. Gregory's claims. The right hon. baronet had commented on what had fallen from his (Sir R. Peel's) right hon. friend near him (Mr. G. Dawson), respecting the retirement of the Chief Baron of the Court of Exchequer in Ireland. It was true that his right hon. friend had spoken of that learned judge as "being bribed into retirement"—but what he had meant was, that his services, and the growing infirmities of years, had entitled him to retire, and to an allowance, on the appointment of his successor, but that a promotion of rank had been unnecessarily added. The right hon. baronet was correct as to the Chief Baron's character having been untainted by the investigation which his conduct in a certain instance had given rise to in that House; and he was one of those who concurred with the decision of the House on the matter. When the subject of that learned person's conduct was before the House, he (Sir R. Peel) was in a position which enabled him to examine the circumstances of the case; and, with all due jealousy for the purity of the judicial character, he could not attribute to him any undue motives. He begged to offer a few words of warning and exhortation to the right hon. gentlemen opposite on this point. The next point he would allude to was the implied blame of the present ministers on the late ministry, for not having done as much as they promised to effect. The late government had been denounced as a government indifferent to the wants and feelings of the people, and indisposed to that rigid economy which the necessities of the times required. In fact, however, it had done a great deal towards relieving the burthens of the people. But he would ask the right hon. gentlemen opposite, whether, short as was their experience in office, that experience did not convince them that there existed many more difficulties between them and their wishes, on the score of retrenchment and economy, than they were at all prepared to expect?—whether, in fact, it were not a very different thing, out of office to recommend certain popular measures, and carry them into effect when in office? Without wishing to blame ministers for their declarations, he would say, that he drew this inference from them—namely, that they would, ere long, perceive that they had been too precipitate in pledging themselves to effect reforms and retrenchments which they would find themselves unable fully to realize. With respect to the appointment of Lord Plunkett, he willingly admitted that Lord Plunkett was perfectly

qualified for the situation of Lord Chancellor of Ireland; but by the circumstances of his appointment, his Majesty's present ministers had subjected the country to an expense which his Majesty's late ministers had avoided. If the conduct of the late administration with respect to the office of Lord Chancellor of Ireland were recollected, it would be evident, that at least they were not so regardless of considerations of public economy as had been imputed to them. Sir Anthony Hart was appointed Lord Chancellor of Ireland by Mr. Canning. When the Duke of Wellington came into power, however, he did not remove Sir Anthony Hart, for the purpose of appointing some individual more favourable to his political opinions. Even after the Catholic question had been carried, the Duke of Wellington acquiesced in the continuance of Sir Anthony Hart in the office of Lord Chancellor, and thereby spared the public the expense of his retiring allowance. The right hon. baronet opposite said, that the office of Lord Chancellor in Ireland was necessarily a political office—that it was so in England, and that it was so in Ireland. Although he would not lay down a general rule on the subject, he could not agree with the right hon. baronet, that the Lord Chancellor of Ireland must be a political character. The Lord Chancellor of Ireland was placed in a situation different from that of the Lord Chancellor of England. The latter was *ex officio* a minister of state, a member of the cabinet, and exercised great influence: the former was not the political adviser of the Crown. He undoubtedly performed some political acts; chiefly the recommendation of magistrates; but he was not the political adviser of the Lord-lieutenant. He was sometimes called in, on great emergencies, to aid the counsel of the Chief Secretary, who was the civil adviser, and of the Attorney and Solicitor generals, who were the legal advisers, of the Lord-lieutenant. He mentioned this, not by way of hostility to the appointment of Lord Plunkett, but to set the right hon. baronet right as to the nature of the office of the Lord Chancellor of Ireland. Indeed, as a general rule, ministers could not take too much pains to keep the judicial authorities of the state separate from political interference; and the truth was, that the less the Lord Chancellor of Ireland interfered with politics, the better. He had stated on a former occasion, that the people must not be too vehement in their expectations of the retrenchment which any government, however disposed, could effect. The time was come when the relative claims of public servants on that point would be judged. The right hon. baronet (Sir J. Graham), when he had less experience on the subject than at present, spoke of the indisposition of the Duke of Wellington to retrench to the extent necessary for the public good; now he (Sir Robert Peel) would honestly and frankly, but boldly assert, that no member of any administration had ever been more sincerely desirous of true economy than the Duke of Wellington; and that few members of any administration had ever enjoyed equal advantages for enforcing the execution of his wishes. He allowed that the present administration had reduced the offices of Vice-treasurer of Ireland, of Lieutenant-general of the Ordnance, and of the treasurer of the Navy. [It was here intimated to the right hon. baronet, that the last office was not abolished—that its salary only was saved by its duties being performed by the Vice-president of the Board of Trade]. Well, the salary was saved, but that was a species of popularity easy of attainment, and in which they might find themselves very soon excelled. He would not enter into the question as to which administration had abolished the office of Postmaster-general of Ireland; but he would affirm, that it was the intention of the Duke of Wellington to abolish that office. He attached, however, but little importance to the abolition of one or two offices, and if the present ministers did, could they think that what they had already done would be considered sufficient? Would it not be very easy for any body to outbid them for popularity? Would it not be very easy for any man, with more extravagant views of what was practicable than those of the right hon. baronet and his friends, to say to the people—"I will carry on the public service on cheaper terms: I will abolish the office of Chancellor of the Duchy of Lancaster; I will abolish the office of Lord Privy Seal; I will abolish the office of Paymaster of the Army?" Would he (Sir R. Peel) join in countenancing any such declaration? Certainly not; because he knew the impossibility of carrying it into effect. Did they not feel that the efficient strength of the government for the conduct of public business was not sufficient; and although they might wish to secure to every man throughout the country the full reward of

his labours, did they not feel it was but a delusion to hold out to the country at large the expectation of any extensive reduction in the expenses of the government; at least, that any such extensive reduction was inconsistent with the means of properly conducting the public business, considered not with reference to the individuals concerned, but with reference to the discharge of public affairs? He said with them, let every office that was not absolutely necessary be cut down—let them dispense with all those places with which they could dispense; but he hoped that no attempt to catch the shadow of a fleeting popularity would induce the government to waste its proper strength. The question, after all, became one as to the merits of the late government, and must be decided when they could properly see whether the condemnation pronounced against that government, on the ground that it had not sufficiently diminished the public expenditure, was well founded. [Sir J. Graham nodded assent.] If the right hon. baronet could, as by that applauding motion of his head he seemed to intimate, show that much greater reductions than those made by the late government were practicable, no man would be more delighted than he (Sir R. Peel) at such a circumstance. It would certainly prove, that the late government might have done more; and over the advantages which would be obtained by the country he should heartily rejoice, though he must at the same time share in the condemnation of not having before conferred them. He would only caution his right hon. friends, in the most friendly spirit, not to pledge themselves too hastily to a sweeping retrenchment, before they had examined all the details of the offices with which they were connected—not to promise that reduction of salaries which they might afterwards find would weaken the public services, and not to encourage the public too much in expecting that diminution of offices which might afterwards be found inconsistent with the safety of the country. The present ministers had pledged themselves to reform, to economy, and to the maintenance of peace. With respect to reform, that was not the time to say any thing about it. The measure was one of too much importance to be introduced incidentally into discussions of that kind. He would however say, that he trusted that the declaration of his Majesty's prime minister, that no measure of reform not consistent with the maintenance of existing institutions should be introduced, would be strictly adhered to. With respect to retrenchment, that must be the profession of all governments—it was so of the present—it had been so of the last; and though members in opposition might find fault with the continuance of this or that office, it was his firm belief that not five years would elapse without the conviction arising in the public mind that these professions had been fulfilled by the Duke of Wellington's government. With respect to the maintenance of peace, though it was a popular topic, he was sorry to hear the present ministers state it, as a distinguishing mark of policy, that they were determined, at all hazards, to maintain peace. Of course every government must wish to preserve peace. The late government had always stated that to be its wish, and there was no government but what did so; it declared that it would leave no effort untried, consistent with the honour of the country, to preserve peace. No man felt more than he did the immorality of war, and the necessity of avoiding the rekindling of its flames—no man was more deeply convinced than he was, that this country was interested in making peace—but peace was not always the only question; it was not always to be obtained or preserved at the wish of the government, and he doubted the policy of too strong and determined a declaration, that at any hazard the ministers of this country would preserve peace. He knew that the explanation of this was, that they would do all they could to maintain peace, but that explanation brought the matter back to what was said by every government. All he complained of was, that when the government of the Duke of Wellington, which was essentially pacific, had confined its declarations to the limit of maintaining peace to the utmost extent, consistently with the honour of this country, the present ministers should have put it forward prominently, as one of their principles of government which was to distinguish them from the late ministry, that they would maintain peace at all hazards. He concurred with them in thinking that every effort, consistent with the honour of the country, should be made for the preservation of peace; but let not the expressions of their determination to preserve it at all events, be too strong; for the interests of this country, or circumstances, which at this moment it was impossible to foresee, might compel them to change

their determination; and those circumstances might possibly be created by too strong a manifestation of their wish to preserve peace. He called on them to show, as the late government had done, that in the event of there being a necessity for resorting to arms, they would at once take up arms. He called on them not only to show this, but their conviction also that, in the event of such a necessity, they could repose with confidence on the belief that the ancient spirit of the country would rally round the government, and carry on with courage, with vigour, and effect, that contest which their judgment had declared to be inevitable. The right hon. baronet had complained of the course pursued by his (Sir Robert Peel's) right hon. friend, as intended to obstruct the proceedings of the government. He denied that such conduct could be justly imputed to his right hon. friend. The right hon. baronet supposed that that course of conduct proceeded from pique at the loss of office. For himself, he could assure the House, that so far as place was concerned, if he never returned to it he should not consider it a misfortune; and that if he ever should be recalled to office, so far as his personal feelings alone were concerned, he should feel it little less than a great calamity. Having said so much with respect to the points on which he could not concur with the present government, he was happy to be able to express his full concurrence with them in one matter of great importance: he was pleased, much pleased, with the declarations they had made, that they would support, at all hazards, the Legislative Union of England and Ireland. He suggested to the right hon. baronet, and to the other advisers of the crown, whether, if those who agitated this question, but were determined not to bring it forward, since they avoided discussion, for the purpose of continuing agitation—he suggested, he said, to the present ministers, whether it would not be better to place on record the opinion of that House—to move a resolution declaratory of the opinion of the legislature? Those who thought that the union ought to be dissolved, ought to submit the question, not to popular agitation in Ireland, but to the deliberation and sanction of those branches of the legislature which were, and ought to be, the sole tribunals for deciding it. He hoped that the young members of that House, the gentlemen who, as Catholic members, now for the first time sat amongst them, would show that, whatever distinctions might have once existed—whatever matters might have once created division—the most heartfelt cordiality united them in preserving that important union. He would gladly sacrifice the office and power he had once enjoyed, if the present ministry, more than the last, could secure the declaration of parliament, that England and Ireland should share their fortunes in peace; and if war were unavoidable, that they would fight united together, and by their union attain that triumphant success which they could not hope to enjoy if they were divided. He hoped, too, that out of doors the people would not be misled by the declamation of affected patriots. He hoped that before the inhabitants of Dublin could be induced to follow the example of Belgium and Paris, they would well consider whether they had the same justifiable cause of opposition to the government; and even when they had settled that point, he trusted that they would well consider what was the present condition of those countries in which revolutions had taken place, and compare it with the state in which they were before the revolutions had begun. In saying that, it was not necessary to call in question the justice of the resistance these people had offered to their late governments, it was not necessary for him (and indeed no circumstance could induce him to do it) to palliate the conduct of those governments; but although the resistance was justifiable, he had a right to enquire whether revolution were not a great evil: and when he looked to the condition of France and of Paris, and particularly to the condition of the working classes, he could not help thinking he was justified even in believing, though resistance might be justifiable, that it involved those who engaged in it in almost irremediable ruin. He called on the House to compare the state of the public funds in France with their state before the revolution. The resistance was right; it had been successful; the most popular men were in office; yet how was it that property was deemed insecure, that employment was almost at an end; that industry was paralysed; that strangers were withdrawing from the country, and that the condition of the lower classes was infinitely worse than it was before the revolution? If it were so, as he believed it was, then he asserted it to be true, that great changes in any government could not take place without exciting alarm and despondency, and without materially and injuriously influencing

property in the country in which the revolution took place. He called on the House—he called on all people of property—to be fully aware of the mistake they would be committing, in dividing this country and Ireland, and to be aware of the irreparable evils that must result to both from such a measure. All people of property were interested in this question, and on them he called for a calm, considerate, and full attention to this subject. In what he had said, he had not any intention to stop the course of fair economy, but it was impossible to read the public press of this country, and to see its appeals to the passions of the people, without knowing that while economy was put forward as the avowed object, the covert design was, to degrade and lower all the constituted authorities of the country, and to secure for public writers that power and authority which would be denied them under all other circumstances. To gain that end they were willing to create tumult and confusion, and to subject this country to the worst and most degrading of tyrannies—the tyranny of an ungovernable mob.

Mr. Hume thought the discussion now introduced had been most unnecessarily commenced, and he entered his protest against the mode adopted by the right hon. gentleman to prejudice the minds of the government and of that House against the adoption of measures of reform and retrenchment.

Sir Robert Peel said, he had not the slightest intention to create any prejudice against reform or retrenchment, both of which he should be happy to see effected, provided they did not injure existing institutions.

Subsequently, and again in reply to Mr. Hume, Sir Robert Peel observed, that he had not condemned the French—he had said that they had no alternative but resistance, and had only observed, that lawful as was the resistance, it was still unfortunately true that the revolution thus occasioned, though successful, had been productive of much misery.

On the 20th of December, in an adjourned debate on the Court of Chancery, the House was counted out, and adjourned for the holidays.

UNION WITH IRELAND.—PROCLAMATIONS OF THE LORD LIEUTENANT.

FEBRUARY 8, 1831.

Mr. O'Gorman Mahon, the hon. member for Clare, concluded a speech, in the course of which he had repeatedly been called to order, by moving, "That there be laid before the House copies of the Proclamations issued by the Lord Lieutenant of Ireland since the passing of the Act against Unlawful Assemblies; also, a copy of the letter of the present Chief Secretary, to the Magistrates."

In the debate which followed, SIR ROBERT PEEL, rising after Lord Althorp and Mr. Leader, said he regretted very much that a discussion had been brought on, which would have been much better reserved; but as the necessity had been imposed on him, to take part in that which he could have gladly avoided, in the absence of the hon. member for Waterford, whose character was involved, and whose situation was concerned in the question then agitated; but since the time was come for the discussion, it became every man who took a lead in the discussions of that House, to declare that he had irrevocably made up his mind to stand by the executive government, and maintain the legislative union between the two countries, and prevent the dismemberment of them at all hazards. This was that domestic concern which was now of paramount importance. He should be ashamed of himself if he did not cast into utter oblivion all party political feelings which might have existed between himself and the right hon. gentleman opposite; he should be ashamed of himself if he did not cast them aside, and without hesitation express a steady determination, by all the means in his power, to support the king's ministers in all extremities of maintaining inviolate the union with Ireland. He would support them in their proceedings, and should they make any little slips, and he did not say that they had made any, he would put the best construction on their conduct; and give them credit for their good intention, should they be driven to any harsh measures to meet the evasions and artifices of the declarations of the hon. member for Waterford.

The House could well conceive the difficulty under which the declarations of that hon. member placed the ministers; but it was the duty of government, even at the risk of the dreadful extremity to which the noble lord had alluded, even at the hazard of civil war, to prevent the dismemberment of the empire. If the union with Ireland were severed, if the feelings of independence were encouraged in Ireland, why not in Scotland, why not in Wales, and why not break up the empire altogether? It was to him perfectly clear, that should the Union be dissolved, the empire could not be preserved: the union was necessary, therefore, to preserve the empire, and if it could not be preserved but by force, the government was authorized to use force. If there were a difficulty in maintaining this union—if the government were, as it ought to be, resolved to maintain it, the government would be to blame if it did not first employ every legal means, however severe—every authority it had received from parliament, however much the late ministers might have been blamed for procuring that authority; the government, he said, would be highly blameable if it did not first employ every legal and authorized means in order to avoid the necessity of having recourse to that dreadful alternative, suppressing the agitation by force of arms. If the laws were unable to stay the progress of those who desired the repeal of the union, still the government would be highly to blame, should it afterwards dye the scaffold, or the plains of Ireland, with blood, if it did not first try all the existing authority of the laws. The hon. gentleman who spoke last deprecated the proclamation which had prevented the meeting of the trades; but that meeting must not be taken by itself. The hon. member must conjoin it with the declarations made by the hon. member for Waterford, who had signified his fixed intention to try the question of enforcing the proclamation, and who had distinctly declared, that when the opportunity came, physical force should be employed to sever the Union. The government, then, he contended, had no alternative, and it was mercy as well as good policy to resolve by law to interdict the first meeting of the people. The noble lord had referred to the constitution of Ireland between 1782 and 1800; but he called on the House not to deceive themselves by supposing that, by the repeal of the Union now, they could place the two countries in the same situation as they were in before 1800. It was not after the Union that the two countries could be placed in the same situation as if no Union had taken place. After a divorce the feelings were not the same as before marriage. "Oh, Sir!" exclaimed the right hon. baronet, "let us not deceive ourselves—very different will be the feelings—bitter animosity and hatred will succeed; there will arise different feelings as to religion: the country will be separated into hostile and intolerant factions, and the country will be a theatre of outrage and violence." ["No, no," from O'Gorman Mahon.] Both he and the hon. member for Clare were then speaking of futurity, and it became them to speak with becoming diffidence of the fallibility of human judgment: but he certainly never held more confidence in any opinion than he did in the opinion, that, if the Union were dissolved, such scenes as he mentioned would be realized. If the Union were dissolved, they would have many of those secret societies, of which he had heard for the first time that night. He did not certainly suppose that the great body of the Catholics had been united to obtain the repeal of the Union, but to obtain their civil rights and religious freedom; but he did know that the great body of the Catholics, who had obtained their wishes, had resolved to preserve their faith, and preserve that tranquillity, and that freedom they had obtained. It was not religious differences that now disturbed Ireland—it was not the want of any political rights—but the bad example of Paris and Brussels, acting on the excitability of a generous people, which had produced the present unfortunate state of Ireland. He did not look to any other means for restoring tranquillity than the gradual return of the reason of the people. He did not wish to revive religious animosities, or to embody again the Orangemen. That would be a bitter sacrifice; but he relied on the returning good sense of the great body of the Catholics. He was certain that after the lapse of a short time, when reason should have returned, that they would see the folly of their madness—and it was madness if ever a nation could be mad—it was madness to attempt to sever the Union. Let them only look at the depreciation it would occasion in the value of all property. Let them remember, too, that England could never, and would never, but at the last extremity, consent to the repeal of the Union. Let them remember, that if they should succeed after

a twenty years' contest, what they would make of their country—a great moral wilderness, in which every bad passion and every crime would flourish and ripen. With these feelings, he declared, that it was the interest of both countries to remain united. He should listen with favour to any proposals of a conciliatory nature coming from the noble lord; but they must be proposals for doing justice to all parties. The noble lord must not attempt to patch up tranquillity and peace by giving a triumph to any party. He considered Ireland at present to be in greater danger from the abuses of liberty than from the abuses of power, and therefore, he, placing full confidence in the government, should entertain with favour any proposition for enforcing the law, and giving strength to the government. If circumstances should arise to make it necessary, he should be ready to arm it, and the government had good ground for asking it, with new and greater power. He should be ready, he could assure the noble lord, to support any proposition of that kind he might make.

At the close of the debate, the motion was agreed to.

SUPPLY—THE BUDGET.

FEBRUARY 11, 1831.

In a committee of supply, Lord Althorp, after going through the details of the Budget, moved that a sum not exceeding £2,000,000 be granted to his Majesty for the transfer of aids in the present year.

In the debate which ensued, Sir Robert Peel and several other members rose at the same moment. The call for the right hon. baronet being general, he proceeded to observe, that he perfectly concurred with most of those gentlemen who had addressed the House on this subject, in thinking that it was infinitely better to refrain from entering into any details at present as to the taxes that were proposed to be taken off or reduced. Until a full and ample opportunity should be given for mature deliberation on those important propositions, relative to the reduction of taxation, he thought it was impossible for the House to come to any satisfactory opinion. With respect to the commutation of taxes, it should be carefully borne in mind, that there was a great danger that the legislature did not confer the benefit on those that it was intended to benefit. He knew from experience, and it was easily proved with respect to several articles, the duties of which had been reduced, that the benefit of the reduction was enjoyed by the dealers, and that the price of the commodities did not decrease in proportion to the remission of duty. When the duty was removed, it was found that the benefit, somehow or other, went into the pocket, not of the consumer, but of the retail dealer, who laid on the amount remitted in duty in some shape or other, on the price of the commodity. Now, if the public were subject to a new charge in lieu of that which was removed, and did not gain a corresponding advantage by the reduction of taxes, *pro tanto*, the benefit derived by the remission of taxes would be diminished. He was afraid, after the experience they had had of the results following from the repeal of the duty on leather and various other articles, that the repeal of some of the proposed taxes would not be attended with that advantage to the consumer which ought reasonably to be expected, and which was intended. At all events, the doubts which must be felt on that point, after what had already occurred, imposed upon the government the necessity of maturely considering the articles on which they intended to propose that the duty should be removed. With respect to the particular taxes which the noble lord proposed to reduce, there were some which, if the revenue were in a state to admit of any reduction of taxation, the Committee should justly and properly be most anxious to take off. If it were clearly established that there was a surplus revenue, and that a remission of taxation could properly be made, he knew of no duty which he should be more forward to repeal than the tax on sea-borne coals. He knew of no one circumstance which would produce greater benefit, physical and moral, to the poorer classes, than whatever facilitated their obtaining a sufficient supply of coals at a moderate price. He was of opinion, that the relative difference, in regard to the amount of physical comforts, enjoyed by the poorer and wealthier classes in this

country, was more felt in the increased ability of the latter to purchase a sufficiency of fuel than in any other circumstance—much more than in the circumstances of lodging, board, or clothes. As to lodging, as regarded comfort only, the poorer and the richer classes were placed very much upon an equality. As to food, there was no material difference; and with respect to comfortable clothing, the price of the article used for that purpose was so very small, that there was no material difference in that respect between the upper and lower classes. When he stated this, of course he did not mean to refer to those who were sunk in abject poverty, but to the great mass of the labouring population. With regard to those, as compared with the higher classes, he thought the great difference was, the facility which the one class had over the other in obtaining fuel. From the nature of the duty, these facilities were much greater in some parts of the country than in others. To subject the poorer classes to such difficulties in obtaining so necessary an article as fuel, did seem contrary to all principles of justice and good policy. He contended, also, that the difficulty of procuring sufficient fuel affected the moral condition of the poorer classes. At all seasons it was necessary, more or less; and in winter, fuel the poor must have, in order to enable them to go on with the labour by which many of them gained their subsistence. If they had not the means of purchasing it, they naturally betook themselves to pilfering from the woods and demesnes of their richer neighbours; and this, besides confounding right and wrong in their minds, necessarily created a degree of ill-will between those whose property was stolen, and those who were of necessity, as it were, compelled to turn pilferers. A state of animosity, therefore, was engendered by the difficulty which the poor found in obtaining a supply of fuel. Assuming, therefore, that the finances of the country would permit a reduction of taxation to the amount of £800,000, he thought no tax could be selected with more propriety and more advantage than the reduction of the duty on sea-borne coals. Not to enter into the details of matters of comparative minor importance, he would just beg to observe, that he was afraid, the proposed tax on passengers by steam-boats would have the practical effect of preventing the intercourse between this country and Ireland. He believed it would have the effect, in a great degree, of producing a suspension of the intercourse between the two countries. The noble lord had not stated his views on that part of the subject, but it was well he should consider the poverty of many of the persons passed in every ship that came from Ireland to England. The proposed tax (as he understood it) was 2s. 6d. for any distance exceeding twenty miles. [Lord Althorpsaid, thirty.] And for a less distance than that, the tax was to be 1s. 6d. and 1s. The sum, therefore, which a person coming from Ireland would have to pay would be nearly double the amount of the passage-money, and would amount to a prohibition of the passage of the Irish labourers. Perhaps it was the intention of the noble lord to modify the proposition so as to except the intercourse with Ireland from the operation of the tax; but unless he did, the practical effect would be nothing less than what he had stated. If the noble lord had not considered this circumstance, it was well he should be made aware of it. The noble lord had omitted to mention the amount of the estimates for the present year. He stated, in round numbers, that the sum required for the service of the year, including the interest and expenses of the debt, would be £46,000,000; and he further added, that the estimates were drawn up; but he had given no information to the committee as to the total amount of the estimates, independent of the debt, and still less as to the amount of the respective estimates for the expenses of the different public departments. He had supposed that it was the noble lord's intention to have stated the amount that would be required for each particular branch of the public service, and could only suppose that the omission had taken place from inadvertence. He now came to another part of the noble lord's speech, and he said it not in party spirit, that all those matters to which he had alluded, and all the matters that had been discussed since the commencement of the session, were trifling and of minor importance, when compared with the proposition which the noble lord had made for the imposition of a tax on the transfer of funded property. He trusted, that the noble lord would consider the objections urged by every one who had spoken on the subject, with the single exception of his honourable friend, the member for Staffordshire (Sir John Wrottesley), to that part of his proposition, and would not, therefore, persevere in his plan. The objections had come from all

sides of the House, and were made without political predilection or party feeling. He trusted that his Majesty's government would not persevere in a measure which, in his view, would tarnish the fair fame of this country, which had remained hitherto unimpeached. He asked the noble lord, whether he had read the words of the contracts that had been made with the public creditor? He would refer to one, for instance, to show the condition on which the public creditor had advanced his money to the government, perhaps at a time of great public emergency. All the acts for raising public loans were nearly in the same words; and he would ask the committee, could any words be more distinct and binding, or admit of less doubt? He would refer, in corroboration of this opinion, to an act entitled, "An act for raising the sum of £27,000,000 by way of annuity," which would show the House the obligations imposed on it. This loan had been raised in 1813, and he referred to it as stating the terms of the contract in the language of all acts of this description. This act contained a guarantee to the public creditor against the very tax now about to be imposed upon him. The language of the act was, that "no stamp-duty whatever shall be charged upon any transfer of this property." This was the condition upon which money had been borrowed. Now, how was it possible to "rail this seal from off the bond?" It was upon this express condition that the public creditor had advanced his money; and, if this condition were forgotten, they would violate good faith, and depart from that proud position which this country had always occupied, in contradistinction to every other country, in its dealings with its creditors. No ingenuity could get rid of the force of such an objection. His hon. friend, the member for Staffordshire, said, that as Parliament had imposed a property-tax—as it had violated the contract with the public before, there was no reason why it should not be violated again. That was the very thing which he (Sir Robert Peel) feared. He dreaded that an inference would be drawn from the proposed violation of law and good faith, that a further violation was not improper. If, in these times "of productive industry and of steady and progressive improvement," for so they were described by the noble lord, and he took the admission—if, in such times, in a period of general peace, and when there was no pressure on the energies and industry of the country—if, under such circumstances, the government contemplated the violation of an Act of Parliament, and an express contract entered into with the public creditor, by the imposition of a duty of one-half per cent., what security could the public creditor have, if the times of 1797 or 1798 returned. In those times, unappalled by danger, the Parliament of this country clung to the maintenance of public faith as its best security; but if similar circumstances were again to arise—if the difficulties which then environed the country should again exist—if a small duty were to be imposed at a time like the present, contrary to the principle and the express condition of the contract, what could the public creditor expect, but that, under the pressure of foreign war or of adverse circumstances, his property would be seized on? It would be little consolation to him to quote the proposed invasion of his rights as a reason for their violation again. In his (Sir R. Peel's) opinion, this was not so much a question of policy or of prudence; it was a question of morals. If the State were not prepared to meet its engagements, still there was justice due to the public; and let not individuals be called upon to sanction a course, as though it were just, which their feelings must tell them was contrary to every principle of justice and fair dealing. He had heard of a public writer who claimed a right to violate his engagements, and contended that he ought to be allowed to hold himself discharged of a debt he had contracted, upon the ground that some change had taken place in the policy of the country, which rendered him not so well able to meet the demands upon him. This was the doctrine of a public writer, and he (Sir R. Peel) had never heard that doctrine mentioned, in public or private, without its being received with a burst of indignation; but if the State were without difficulties (and he could conceive no difficulty which could justify such a departure from honour and good faith in a nation)—but if the State, in a period of steady and progressive improvement, were guilty of such violation of good faith, let them not upbraid an individual if he followed the example, and claimed for himself, under similar circumstances, that licence which the House was now called upon to take, with respect to the contract between the State and the public creditor. If the question were not to be tried by the sense of justice which

every man had in his own mind, and which must lead him to the conclusion that public faith ought to be maintained inviolate—if they were to try the question, not upon such principles, but merely as a question of policy and prudence, he was content that it should rest upon such considerations. By adhering to public faith, he would ask, what had been the remission of public burdens which had taken place within the last six years? By adhering to public faith they had been enabled to reduce the interest on the five per cents., and subsequently on the four per cents.; and by these operations, a sum amounting to about £2,600,000 per annum was saved to the public. That was the legitimate, the honourable, the honest way of dealing with the public creditor. The public creditor had no right to expect the public to remain his debtor longer than it was necessary. The public were enabled to repay his loan, and this was done in effect. By maintaining the principle of keeping faith with the creditor, therefore, the public had been enabled to discharge its engagements, and to get rid of burdens to the amount of £2,600,000 per annum. This was effective, because they had adhered steadily to their engagements as to the sheet-anchor. If, seven years ago, they had set the example they were now called upon to set, he put it to the committee, what would now have been the state of public credit, and whether such reductions could ever have been made? But then, said the noble lord, "this tax cannot be considered as particularly severe on the fundholder, for I impose, at the same time, the same amount of taxation on the transfer of landed property." And then, said the hon. baronet, the member for Staffordshire; "there is no distinction between the proposed tax and the property-tax, because the property-tax was on landed property as well as funded. You would be justified, therefore, in contending there was a distinction, if this tax were to apply to funded and not to landed property; but as it is to extend to landed property, there is no distinction, and, therefore, no objection." He for one was sorry for the extension of the proposed tax to landed property. He believed, of the two, he should have preferred a distinct confiscation. As to the argument, however, that there was no distinction between the proposed imposition and the property-tax, it was to be observed, in the first place, that the property-tax was a tax on the whole income of the country—offices and professions were equally subject to the tax, as well as funded and landed property. But how totally different was a tax on the income of land from a tax on the transfer of land! By the policy of our law, many estates could not be alienated. He could show estates without end in which transfers had never taken place. On all occasions, transfers of land were comparatively few; they did not amount to a hundredth part of the number of transfers of funded property. Landed and funded property were two things most distinct in their nature: and though he was sorry that land should have been included in the noble lord's plan, yet it was quite clear the proposed imposition could not affect the landholder as it would the fundholder. The tax on land, however, would pass over the prosperous holders of lands. Lands were generally sold in this country, either upon the demise of the head of a family, and for the purpose of raising fortunes for young children, or, he feared, more frequently to meet the increased pressure of the times. Now, the tax would not press upon prosperous land, but on land under adverse circumstances; and for this reason, if there were no other, the tax would be objectionable. He would call upon the House to recollect what was the state of the country in 1813. Parliament had then decided to make one tremendous exertion, with a view to bringing the long and exhausting war in which it was engaged to a close. The annual revenue was incapable of bearing the expense; so that there remained no alternative but to call upon the monied interest to contribute towards the great national effort about to be made. He would say nothing of the danger to be apprehended from a protracted contest, but he would ask, upon the general ground of policy, whether it were not wise to adopt a course calculated to bring to an issue that most tremendous of all evils, a general war, by some great, overpowering, irresistible effort, and to make terms with the enemy according to the advantages derived from such an effort, without any injury to the public creditor, or shock to the public faith? He would enter no further at present into this important subject. He had heard some vague rumours that morning that it was the intention of his Majesty's ministers to make such an attempt; but when he heard the noble lord, in the early part of the evening, say—and say truly—that the poor could derive

but little advantage from the repeal of direct taxation; that it was chiefly by the employment of capital, and the removal of all impediments to that employment, that they could hope to be benefited; when he heard this, he felt confident that the report could not have been well founded, and he did not expect to hear the noble lord, at the conclusion of his speech, come forward with a proposal which was a direct attack on the national credit, which was calculated to shake all faith in the professions of the government, and give a blow to industry, by weakening and destroying the confidence of the capitalist. He objected to the measure, from a regard for the public credit, the public industry, the public morals, and the public property; and as a breach of those solemn engagements to which that House was itself a party.

Sir J. Wrottesley repeated, that the proposed tax did not infringe upon the faith of Parliament any more than the income-tax.

Sir R. Peel said, that the act of 1813 recognised the imposition of the property-tax, but provided that no other tax should be imposed on the fundholder.

At the close of the debate, the three following resolutions were then put *seriatim*—

That £2,000,000 be granted to his Majesty, as transfer of aids; £25,577,600 to pay off Exchequer-bills charged on aids of 1830 and 1831; and £3,800 to pay off Exchequer-bills issued for public works and building churches, and carried *nem. dis.*; and the House resumed.

THE GAME LAWS.

FEBRUARY 15, 1831.

In the debate upon Lord Althorp's motion, for leave to bring in a bill for certain alterations in the game laws—

SIR ROBERT PEEL said he feared that in discussing the subject of the game-laws we were apt to be too sanguine in our anticipations of the advantages to be derived from a particular change. He was afraid we overlooked the love of enterprise and amusement, which rendered the pursuit of game attractive to the common people as well as to their superiors. It was exceedingly difficult to find an adequate remedy for the evils that existed under the present system. At the same time he thought the game-laws so defective in principle, that a proposition for a change ought to be listened to with attention; but he again cautioned the House against entertaining extravagant expectations. The noble lord said he would do away with the law relating to qualifications, and it was so absurd that it was impossible to say a single word in its favour. It was not exactly fair, however, to say that the noble lord's plan would confer the same privilege upon the small as upon the large proprietor. The man who possessed only a single acre must pay £5 for a certificate, while he who had 5,000 acres paid no more. Now, to the former, the permission to kill game was no privilege at such a cost; the privilege not being worth the price paid for its enjoyment. He thought the remedy of the hon. member for Staffordshire—namely, to have two licenses, impracticable—difficult, if not impossible to be acted on, and vexatious in practice. He did not know, too, why a man might not shoot over his neighbour's land, if that neighbour pleased, without paying additionally. He feared that after the noble lord's plan should have been adopted, much the same temptation would exist with respect to the class of poachers as at present. Nay, it was possible that this measure, however well intended, might add to the vexation of the present system—that it would multiply the number of game preservers, embody a new class of supporters of the game-laws, and occasion greater jealousy than now existed. As a friendly opponent of the noble lord, he recommended him not to repeal the act prohibiting night poaching, and the assemblage of great bodies of armed men by night—a monstrous and dangerous evil. It was possible that legalizing the sale of game might afford some encouragement to poaching. He approved of doing away the qualification, and of legalizing the sale of game; but he hoped the noble lord would not be too precipitate.

Leave was given to bring in the bill, which was accordingly read a first time.

BOROUGH OF EVESHAM—REFORM.

FEBRUARY 17, 1831.

Lord John Russell having presented a petition from certain inhabitants of the borough of Evesham, praying for a reform in parliament, &c., gave notice of his intention to move, on the 1st of March, for leave to bring in a bill on the latter subject.

The Marquis of Chandos moved a resolution, "That the corrupt state of the borough of Evesham required the serious attention of that House."

Mr. E. B. Clive wished that the noble marquis would postpone his motion. He thought it improbable that the noble marquis would succeed in what he wished for, and if he would consent to a postponement it would save time. He was happy that the cause of reform had so zealous an advocate in the noble marquis. Should the motion of which the noble lord below him (Lord John Russell) had given notice for the 1st of March, not extend to the circumstances of the Evesham case, he (Mr. Clive) should be very much dissatisfied with it.

SIR ROBERT PEEL said the hon. gentleman had given no reason why the House should not exercise its judicial functions in this case. The House of Commons knew nothing of the motion which was to be proposed on the 1st of March. There certainly was a notice on the paper relating to the state of the representation, but as yet the House had no further knowledge on the subject. It appeared from the report of a committee, that extensive corruption prevailed, at least amongst the non-resident electors of this borough—and the petition presented by the noble lord opposite confirmed the fact. In that petition 255 of the inhabitants spoke of the corruption which had broken out in the borough, and they spoke of it in no milder terms than as a leprosy. If this borough were proved to be a delinquent borough, it would be necessary to punish it, whether the noble lord (Lord John Russell) should succeed in his motion or not, because, even supposing that he did succeed to the fullest extent, still that House ought to signify to all future constituents, that future delinquencies, if such were committed, would be visited with punishment, and that, if they should be justly chargeable with corruption, they would subject themselves to punishment. An hon. gentleman opposite had paid a compliment to his noble friend on the ground of his zeal for reform, which compliment, however, had rather the air of a sarcasm. [Mr. Clive said "It was not so intended."] His noble friend said he had evidence to prove the corruption of the borough, and the noble lord opposite (Lord Althorp) had acted with his usual candour in the course which he had taken in reference to the question. He (Sir R. Peel) should certainly feel it his duty to support his noble friend's motion.

After some farther discussion, the noble Marquis's motion was agreed to.

DISTRESS IN IRELAND.

FEBRUARY 18, 1831.

In a debate which arose on the presentation, by Mr. D. Browne, of certain petitions representing that many thousand persons on the western coast of Ireland were in a state of starvation,—

SIR ROBERT PEEL said he agreed, that nothing could be more painful than such temperate appeals to the commiseration of the House, as that which had been made on the authority of a petition by the right hon. member, and the pain was not lessened by the conviction that no adequate means of relief could be provided. On one point he had long made up his mind—that a Committee could not be proposed—a public grant could not even be asked without aggravating the prevailing distress. The mere expectation that government was about to attempt a task it was impossible for it to perform, would tend to dry up even such scanty, miserable, contemptible sources of relief as had been referred to by the right hon. gentleman. Even the despicable contribution of £100 out of a rental of £10,000 a year would be withheld, if it were supposed that ministers would come forward with relief; and the

mere chance that government would appear in the markets would instantly raise the price of all the necessaries of life. He (Sir R. Peel) thought, therefore, that the right hon. gentleman had acted with becoming prudence and reserve in not saying any thing more specific as to the intention of government, although he could conceive the existence of such a pressing and overwhelming necessity as might compel the abandonment of the ordinary rules of policy in this respect. True it was, that the right hon. gentleman could not withhold the fact, that the government had had an agent in the distressed district; but it showed, that those in authority had taken the proper means to obtain correct information. Government ought not to undertake that which it could not succeed with, and which nothing but general sympathy and individual charity could accomplish; and he was perfectly content, from his own experience, to leave the matter in the hands of the government, without at all requiring it to explain its views. If urged by an overruling necessity, the right hon. gentleman should hereafter come down with a definite proposition for the relief of distress, he was sure that it would receive a ready assent from the sympathy of Parliament. The House could not see a whole population starve, without resorting to any and every plan of relief in its power, not merely from motives of humanity, but on the solid grounds of an enlightened policy. He could not certainly go so far as the hon. member, who had recommended that the landlords should be deprived of their rents, and the clergy of their tithes, as he was opposed to any such tyrannical measures as implied a confiscation of property.

Mr. D. Browne explained. He did not mean to recommend that landlords should be despoiled of their rents, or the Church of its tithes, but merely that if government advanced money to aid particular districts, it should have a claim for repayment prior to those of the landlord and the Church.

Sir R. Peel could not go along with the hon. member even to that extent.

The petitions were laid on the table.

ARMY ESTIMATES—BELGIUM.

FEBRUARY 18, 1831.

On the motion that the Speaker do leave the chair, for the House to resolve itself into a Committee of Supply on the Army Estimates, Mr. Hume rose and spoke at considerable length, and concluded with moving, "That an humble address be presented to his Majesty, that he would be graciously pleased to direct that there should be laid before that House copies of all the protocols of the Congress of the five Powers held in London, respecting the affairs of Belgium, as far as England was concerned, since October 1830."

Mr. Hunt having seconded the motion, Lord Palmerston spoke in reply, and was followed by Mr. O'Connell and Lord Althorp.

SIR ROBERT PEELE then said he was bound to give his decided opposition to the motion of the hon. member for Middlesex; for he was not prepared to compel the government to produce copies of all the protocols when the noble lord, on his responsibility, stated, that it would be prejudicial to the public service that those documents, pending the negotiations, should be produced; he was content with the assurance, that the time would come when full information would be afforded; and he therefore could not consent to postpone the vote for the army estimates till those papers had been laid on the table of the House. In the present state of this country and its foreign relations, he could not offer any opposition to the amount of the force proposed; for he could not view the present condition of England, and the threatening aspect of her foreign affairs, without admitting that the government was justified in increasing the military force of the country to the full extent of the peace establishment. So convinced was he that it was impolitic to provoke any annoying discussion in that House, with reference to the other countries of Europe, that he, though only an humble member of it, should abstain from stating the reasons that induced him to support the military establishment that was proposed; nor would he imitate the example which had been set in the popular assembly of a powerful and liberal neighbouring state, and obstruct the great object of maintaining peace by an undignified

and useless discussion. He wished, however, that it might not be inferred from his silence out of office, by the House, that he was indifferent to the permanent interest and honour of the country. He had such confidence in the progress of knowledge—such confidence in the force of justice throughout the world, that he was persuaded, that whatever country provoked an unjust war, against the wishes of Europe, bringing on it that most terrible of all inflictions the human race could suffer—a war without a just cause; he had such confidence in the force of public opinion, and the sense of justice, that, let the financial resources of that country be what they might—let her military means be ever so great—the might and valour of her soldiers ever so noble—he was sure that she must ultimately fall a victim to the force of public opinion, which would heal all internal dissensions, and, rallying the whole of Europe around one object, vindicate the great cause of peace and justice. He said this with perfect confidence—if France, when she vindicated her own rights, when she revolted against the unjust proceedings of her late monarch—if France had then been assailed by the powers of Europe in a confederacy to prevent France from choosing her own government, he was confident, that the powers of Europe would have been unable to control her actions, he was confident that their unjust cause must ultimately have failed, and that she would successfully have vindicated her right to choose her government against the combined powers of Europe. Their efforts would have failed against France, and would have recoiled against themselves in the madness of such a struggle. France had a right to choose her own government in the circumstances in which she was placed. The unjust and oppressive ordinances issued by the late government, deserved and excited a spirit of hostility which made them recoil on the heads of those who, issued them. But he was equally confident, that if unjust ambition should tempt France by force to enlarge the limits of her empire—if she should be urged on by the recollections of the victories of Napoleon—if a military faction should prevail over the good sense of the country, he was equally confident, then, that Europe, united in a just cause, would resist France successively, and that a different result would teach France that it was not for her interest to provoke war. He would say no more on that subject; out he earnestly hoped that the confidence of his noble friend (Lord Palmerston) in the assurances of France might be justified, and that she was not preparing her present great armaments for any purpose of aggression. At the same time he must own, that he could not read the speeches of her ministers, and he could not know of her immense military preparations, without feeling alarm. His noble friend knew of all these preparations, and he hoped his noble friend might be justified in the confidence he placed in the assurances he received from France. He relied on the intentions of ministers, and was prepared to give them his support—his ardent and efficient support—in their proposition for the army estimates. He was sorry that his noble friend had entered, in the debate, into so much detail on the subject of Belgium. It would have been better to have postponed that discussion, and he did not think the speech of the hon. member (Mr. Hume) called on him to enter so far into the subject. As his noble friend had entered into it, he must say, that he could then hardly believe that he was turned out of office for his principles of non-interference. He believed, and he had reason to believe, that there was no variance between his opinion and the opinions of his noble friend. He thought it highly probable that his Majesty's government—taking no notice of that subordinate subject, the civil list, on which there did not seem to be much difference of opinion, and not referring to that question of reform, on which there was a great difference of opinion between him and it—on the whole, he thought his Majesty's present ministers would not act very differently from the last ministers. It was not, however, on the ground of reform that the late ministers were turned out of office, but on the ground of the civil list, and on the ground of an unwillingness to make retrenchment. That, he repeated, was at least the public view; but after hearing his noble friend's statement, to say that these two grounds were the causes why the late ministers lost office, was one of the most extraordinary assertions that was ever made. In that part of his noble friend's speech in which he spoke of the army establishment—of the necessity of keeping up a large force—so much did it resemble his noble friend's former speeches, that it reminded him of those happy times when his noble friend was secretary of war, and he was sitting beside him, applauding every sentiment he uttered, and he could not believe now that he was

politically opposed to his noble friend, however he might be personally. He had heard that his Majesty's present government was opposed principally to the late government on the ground of retrenchment and non-intervention. He did them the justice, when he heard that declaration, to doubt their intention of carrying it into effect; he had confidence that their conduct and their declarations would not agree; that in what regarded the interest of the country he knew them to be honourable men, and he knew that they were prepared to throw overboard their declarations, whenever the time came that the honour of the country was to be vindicated or its dignity sustained. He knew that they would not allow their declarations to stand between them and the honour of their country. He knew that they would imitate their predecessors; for men, if in office, seemed really to be like the Indians—they inherited all the qualities of those enemies they killed. The present ministers had killed their opponents, and had immediately entered into possession of all their doctrines. They found it necessary to support all the monarchical institutions of the country; they found it necessary to preserve the honour and interest of the country; and he knew them to be too honourable men to suppose that they would sacrifice to their prejudices what the interest of the country required, and that they would in office pay much regard to their own flash speeches out of office. That was, in truth, their conduct; and, whatever might have been their expressions, he was confident, however much they might desire to make retrenchment, that when they came to look into the details, they would make no retrenchment but what the interest of England demanded. That was also the principle of the late government. He did not object to the army estimates, and he had always been confident, that when the ministers came to apply themselves to the details; they would be of the same opinion as the late ministers. He did not blame them for their professions and speeches out of office; and though he did not believe that they intended to produce such an effect—that they did not intend to promote dissatisfaction—though he was convinced such had not been their intention—yet he was bound to say, such had been, he was afraid, the effect of their speeches; and out of office, they had produced that dissatisfaction for which, when in office, they found that there was no reasonable grounds. He had always, he said, been confident, whatever might have been the speeches of the right hon. gentlemen opposite, that they would not carry them into effect. He hoped the country would see from the conduct of the noble lord, the Chancellor of the Exchequer, in whose personal honour and integrity he was disposed to place the greatest confidence—he hoped, when the people saw that the noble lord, who was an admirer of popular rights, and in the exercise of his controlling power, as Chancellor of the Exchequer, did not propose any reduction in the Estimates submitted to the House last year, and that he even found it necessary to make an addition—he hoped, when the country saw this, that it would not view the general conduct of that House with dissatisfaction. The hon. member for Middlesex, indeed, said, that the Estimates had been reduced last year £189,000, and that they ought to be reduced this year the same sum; but was there ever any thing so absurd? Was there no notice to be taken of the circumstances of the country? Was the House to be bound down by an iron formula of one gradual and continued reduction, to which the Estimates must always conform? His Majesty's government must judge of these circumstances, and, if necessary, make no reduction. As to the reduction of 200 offices, of which the noble lord had boasted, he admitted that every office ought to be reduced which was not necessary. He admitted that every officer employed in collecting the revenues, whose services were not wanted, ought to be reduced, but not one ought to be reduced whose services were necessary. With respect to the declaration of the government, that it would govern without patronage, that was all very well; but was not an addition to the army an increase of patronage? It happened, certainly, that by adding to the number of men, the number of officers was also increased, and the ministers could not increase the army without adding to their patronage. As for retrenchment, he was ready to admit that it was necessary to be adopted to the greatest possible extent, and he trusted to posterity—a very early posterity however,—to do justice on that point between the late and the present administration. He would allow the hon. baronet to chant the hymn of victory again over the reduction of the lieutenant-general of the ordinance, which the former administration had not effected, but the

country expected from the promises of a retrenchment a much greater reduction of the national burthens. After attending to the matter, he doubted if it were practicable for retrenchment to be carried much further than it was carried by the late government. As to the doctrines of non-interference, he must say, that since he had been in public life, he had never heard the doctrine of the right of interference defended on such grounds, or carried so far, as it had been carried by the noble lord to night. Lord Castlereagh had never placed it on such high grounds. The king's speech had been attacked for what it contained about interference; but his noble friend (Lord Palmerston) had vindicated that speech in the able speech he had delivered. His noble friend said, that what gave our government a right to interfere with respect to Belgium was this:—That Belgium had never in modern times been an independent state; that first she had been dependent on Austria, and afterwards on France; and that she had been rescued from France in 1815 by the Allies; and that Austria, having waived her claims, the Allies had a right to interfere and settle her destiny. If that were the ground of the proceedings of the government, he was not disposed to adopt them: and grounding the right to interference on the dependence of Belgium, what would his noble friend say of the South American Provinces? He would not say surely, that as they had not been independent, we had a right to interfere with them. His noble friend said, the Belgians were legislators of yesterday; but he had never before heard that the age of nations made any difference in the right of non-interference. The true ground of one nation interfering with another was stated by his noble friend, when he said, that it was possible for the situation of one state to be pregnant with danger to other powers, and they had then a right to interfere to protect themselves. That was the true principle; but that, because a nation or people first became independent yesterday, another had a right to interfere with it, he must positively deny. He admitted the propriety of mediating to share the debt equally between Belgium and Holland; but suppose that Belgium should refuse to take the share allotted to her, would his noble friend say, that we ought to go to war to make Belgium take her share? It was quite proper to mediate and try to settle the differences between Belgium and Holland, though to interfere in the internal concerns of states by mediation, did not imply war, but only the compulsion of argument. His noble friend said, that we had a right to compel Belgium to relinquish Luxemburg under the treaties of 1815; but that was what the late ministers said, and what was said by his Majesty in his speech. His noble friend admitted, that, by the treaty of 1815, Luxemburg belonged to the Germanic Confederation. But if we had a right to separate Luxemburg from Belgium, what became of the right espoused by his noble friend of a people to choose their own government? He must say, that was not a correct assumption. His noble friend was right in refusing the assent of England to place the Duke of Nemours on the throne of Belgium. Common sense said, it was not right to suffer France to encircle our shores with her power, under the influence of civil expressions, for, in a time of war, those countries might be to us a great means of annoyance. His noble friend said, and he agreed with him, that the probability of such a danger gave one state a right to interfere in the internal concerns of another. If his noble friend's declaration were right, that was a full justification for the speech delivered from the Throne at the opening of the session; and, in making that declaration, as well as in his conduct, he was persuaded that his noble friend was only guided by a sense of duty, and only looked to the permanent interest of the country. He would repeat his declaration, that he should feel ashamed of himself if he permitted any personal feelings—any jealousy—or any political hostility, to interfere with the cordial support which he felt it necessary, on all proper occasions, to give to his Majesty's government. It was the more agreeable to him to be enabled to do so, because from the course the present ministers were pursuing, though they had dispossessed him of place on the ground of not following out retrenchment; on that point, and as respected our foreign policy, there was no difference between him and them, and he had nothing to complain of in their conduct. He hoped, on that more serious subject, Parliamentary Reform, when they came to take that up—he hoped that they would have the like regard to the interest and honour of the country, and act on the same faith and honourable principles that they had acted on in regard to these two subjects, and he hoped that they would not submit—he meant to use the word

submit—he hoped they would not submit, induced by the taunts of the hon. member (Mr. Hume) and those acting with him, in looking at the details of that important question—he hoped, he said, that they would not be induced by the taunts of the hon. gentleman, to propose any measure for the consideration of the House pregnant with immediate or contingent prejudice to the institutions of this great country, or dangerous to the public welfare—over which it was their bounden duty to watch.

At an advanced stage of the debate, Sir Robert Peel, in reply to Mr. R. Grant, said, that from the strange misrepresentations which the hon. and learned gentleman had just made of his speech, he was almost tempted to suppose that the hon. and learned gentleman was not in the House when he delivered it. What he had said was this,—that he could not state all the reasons which he had for supporting an increased military force for the present year, for he was not desirous of entering upon topics which might excite irritation in popular assemblies. He spoke cautiously and guardedly on the point, for reasons which he was sure the House would understand without his explaining them further. The hon. and learned gentleman represented him (Sir R. Peel) to have said, that he was proud to give his active support to the government. He trusted that he should be ready to support his Majesty's government on all proper occasions. What he said was this,—that if an appeal should be made by the government to that House for increased resources, to ensure the preservation of the permanent interests and honour of the country, he should forget all causes of alienation, and should assist the executive government, with all his power, in vindicating the honour and safety of the country.

Mr. Hume ultimately withdrew his motion.

WEST INDIES—REDUCTION OF SUGAR DUTIES.

FEBRUARY 21.

The Marquis of Chandos moved, as an amendment to a motion by Lord Althorp respecting the Cotton Trade, the following Resolution:—"That the distressed condition of the West India planters demands the serious and immediate consideration of this House, with a view to their relief."

In the debate which ensued, SIR ROBERT PEEL said, that, on the present question, he could not take into consideration the probable effect which the decision of the House might have upon the relative situation of political parties. In the present state of the country, he had much higher objects to regard; and he was bound to be governed by them in giving his vote. He concurred with those who lamented the distress of the West Indies, and he considered the interests of the mother country to be involved in those of the colonies. He deeply regretted that any irritating topic had been introduced, and that they could not discuss questions merely fiscal without being threatened with the voice of the people of England. He was astonished that a right hon. gentleman connected with a financial department, should attempt to influence the House in the consideration of a financial question, by referring to the condition of the slaves. He would assert, that the moral and physical condition of the slaves would most effectually be improved by promoting the welfare of the planters. The true way to raise the condition of the slave, was to restore prosperity to the West Indian colonies. But on the present occasion he must be governed in his course by feelings higher than party or political prejudices. He agreed, that the West Indians required relief; and he trusted that the noble lord would be able to give encouragement to the hopes of the planters—that the duties on sugar would be reduced in the next year. But, in the present state of the country, the noble lord having pledged himself to the reduction of the duties on coals and candles, and no satisfactory explanation of the taxes that were to be imposed, that he had heard, had yet been given, he could not, with due regard to the paramount duty of supporting the public faith, concur in the taking off any other taxes. He should be sorry also to give any vote which would interfere with the progress of granting the supplies. He could not vote for the resolution, because it might encourage hopes which could not at present be realized. He regretted that the right hon. gentleman opposite, who was so aware of the necessity of supporting public credit, had not kept as attentive an eye to that

necessity when he supported the tax upon transfers, and when equitable adjustment was talked of on a former occasion. For the sake of that credit, he should vote against the resolution, without regard to any influence it might have upon the state of parties. At the same time, he would advise his noble friend not to accept the offer of a committee. The responsibility of attending to the colonial interests was last year left to the administration; and the neglect of them since had not been occasioned by ignorance or denial of the distress, but by the inability of the government to devise means of relieving it, consistently with other interests. He did not, however, think that the reduction of the tax upon sugar would afford all the desired relief. The right hon. baronet had said, that the question before the House was really a party question, and that its decision would determine the continuance of the present ministry. If he (Sir R. Peel) viewed it in that light, he should think it a sufficient reason for the House to reject the motion; as it ought not to entertain on light grounds a question involving such results. But, in the present state of the country especially, they ought not to call on ministers to pledge themselves to reductions of taxation which would endanger the sufficiency of the public revenue to the support of the public faith. He concluded by recommending his noble friend to withdraw his motion.

The Marquis of Chandos, in yielding to this recommendation, begged it to be understood, that he was resolved, at some future time, to follow up his present amendment, when he might hope for more unanimity in the House than there then was. Amendment withdrawn.

PRINTED CALICOES.

FEBRUARY 28, 1831.

In a Committee on the Excise acts relating to Printed Calicoes, Lord Althorp and two or three other members having spoken,—

SIR ROBERT PEEL said, he should have much preferred a duty on the printed calicoes to the noble lord's tax on the raw material, even though the tax were to be but a temporary one, because the encouragement just now bestowed in France and America on the manufacture of cotton, should make us very wary as to the imposition of any new impediments in the way of our own domestic manufactures of that article. This was not, however, the point to which he then wished to particularly direct the attention of the House, with reference to the noble lord's proposed reduction and substitution of duty. The noble lord had not informed them how he meant to make good the deficiency which would accrue to the revenue from his change from an *ad valorem* duty of six per cent on the manufactured article, to a duty of five-eighths of a penny on the raw cotton. That loss would be, as he should presently show, not less than £250,000; and when this sum was added to the defalcation which would ensue from the repeal of the duties on coals and candles, there would remain a total loss to the revenue of £1,200,000, which he knew not how the noble lord could compensate. Then, let them consider how his proposed drawback duty would also affect the revenue. That drawback was to be in force three months,—that is to say, that though the five-eighths of a penny duty on raw cotton was nominally to commence from the present day, the revenue would be at a certain loss for three months, without any counterbalancing advantage. Now, that the amount of this loss would be very considerable, was evident from the sum paid as drawback allowance last year. The *ad valorem* duty last year amounted to £1,942,000; the drawback allowance on exports to £1,390,000; leaving a clear nett revenue of £552,000. Supposing, then, that exports of printed calicoes for the ensuing three months, during which the drawback allowance was to be in force, would be only one-fourth of the amount of last year, it was plain they would be much more, inasmuch as the drawback for a limited period must operate as a stimulus to the exports during that period. There would be an actual loss to the revenue this year of £347,500. Again he must say, he knew not how the noble lord proposed to make good the deficiency from the revenue which his measure would occasion.

Lord Althorp's resolutions were agreed to.

PARLIAMENTARY REFORM.

MARCH 1, 1831.

At the close of a speech of great length, Lord John Russell, pursuant to notice, moved for leave to bring in a bill for amending the state of the representation in England and Wales.

After a protracted discussion, the debate was adjourned to the following day.

MARCH 3, 1831.

In the third night of the debate, SIR ROBERT PEEL, rising after Lord Palmerston, thus addressed the Chair:—

Sir, I must begin by assuring my noble friend, that the part of his speech in which he adverted to the delicacy and difficulty of his personal situation in this debate appeared to me wholly unnecessary; for if my noble friend had not thought it right to explain the grounds which have induced him to adopt a different course from that which he pursued on a former occasion, still I, for one, should not have drawn any unfavourable conclusion from his silence, or joined in the taunts of which he has complained. I have been placed in the same situation with my noble friend. I, too, have found it necessary, from a regard to the interests of the country, to adopt a different course from that which I had long conscientiously followed; and I ought, therefore, to be the last man in this House who would refuse to put an indulgent construction on the language, or to join in harsh conclusions with respect to the motives, of public men. I never can allow it to be supposed that public men have not higher and nobler motives for their public conduct than the paltry desire to retain place; and the character of my noble friend, therefore, even if he had been silent, would have proved to me a sufficient guarantee for the rectitude of his intentions. Having thus imitated that generous courtesy which prevails in more deadly combats than that in which I am about to engage; having, as it were, shaken hands with my noble friend, and disclaimed all personal hostility, I trust I shall now be excused if I descend into the arena, and with perfect freedom apply myself to the speech of my noble friend. At the moment when we were anxiously waiting for a vindication of the measure before the House—at the moment when we wanted to know, not what popular opinion demanded from us, but what we were practically to gain from the adoption of the measure of the noble lord—at that moment the noble lord had thought fit to enter into an invidious comparison of the merits of the late and the present administrations, and the greater part of his speech was composed—not of the arguments which the House so greatly desiderated, but of sarcastic allusions to the conduct and opinions of the late administration, connected with an attempt—not a very successful one I admit—to magnify the deeds of the present government at the expense of that government which was lately honoured with his Majesty's confidence. My noble friend says, that if there had not been a change in the government, the same results, in respect to the restoration of the public peace, and especially in Ireland, would not have taken place. In that opinion I am much disposed to concur. No party hostility shall ever prevent me from doing justice whenever justice should be done, or bestowing praise wherever praise ought to be bestowed. I approve the course pursued by the present Home department; I admire the conduct of the noble marquis now at the head of the Irish government; ever since he has reassumed that office, I have seen nothing in his conduct but what entitles him to praise. I believe that there is some truth in what has been said by my noble friend, that had the late administration been in office, they would not have been able to effect what has been effected by the present administration. But should we have had the same assistance? Should we, if at a period of great excitement, if amid a loud and general demand for retrenchment, we had produced estimates of increased extent,—should we have found all party considerations yield to a feeling for the public service; or had we resorted to measures of extreme coercion, should we have found a united and generous disposition in all parts of the House to support the executive government, and supply it with the means of defeating

whatever efforts might be made to disturb the public tranquillity? Sir, I will not enter into any comparison of the merits of the two administrations. But let my noble friend recollect, that the instrument which the noble marquis at the head of the Irish government has wielded, with his characteristic vigour and success, was an instrument placed in his hands by his Majesty's late government; fabricated by their foresight, contrary to the opinion, and contrary to the wishes of many members of the present administration. If we found it difficult to preserve peace in some districts of England for want of a local and constitutional force, let it be remembered that it was not by the late government that the reduction of the yeomanry was effected. I cannot say that my noble friend, in his anxiety to blame his Majesty's late government for their measures, has shown himself a very acute or a very discreet advocate for the plan of reform proposed by the noble member for Tavistock. For my noble friend says, that if, in the year 1828, the late government had not refused to transfer the elective franchise from the borough of East Retford to the town of Birmingham, we should not be now discussing the question of Parliamentary reform; for that single measure would have quieted the people on this subject, and would have given general satisfaction. If, Sir, from so small an event, such mighty consequences should have flowed—if it really would have been possible, by so trifling a concession as the transfer of the elective franchise from East Retford to Birmingham, to have satisfied and conciliated all classes of the community, it is surely of great importance to enquire what is the paramount reason which should induce us at the present moment to make so extraordinary a change in the constitution as that which is now proposed. My noble friend says, "Why did you not consent to the disfranchisement of East Retford?" Why, Sir, if I am not greatly mistaken, my noble friend and myself entered the House together on that fatal night which led to the dissolution of the late government, and my noble friend and myself had intended to give our votes on the same side upon that occasion; but the effect of a taunt upon my late right hon. friend, Mr. Huskisson, compelled him, in obedience to his feelings, to deviate from the course which he had intended to adopt, and which, out of a delicate sense of honour, led him to tender his resignation. If, therefore, there was so much blame due for the rejection of that measure, my noble friend cannot entirely exclude himself from some participation in it. But to pass from that topic, my noble friend says, that if in 1828 we had consented to transfer the elective franchise from the borough of East Retford to the town of Birmingham, there would not have been the least necessity for agitating at the present moment the question of parliamentary reform, for that would have satisfied the whole country. What! would my noble friend himself have rested satisfied with the existing state of the representation, notwithstanding the five grand defects which he has just described as existing in it? Would my noble friend have rested satisfied to let so gross a system of corruption as that which he now finds it convenient to deplore, continue without any attempt on his part to rescue the country from its baleful influence? My noble friend says that Mr. Canning, if he had lived, would have pursued a different course from that which we, who oppose this bill, are pursuing. My noble friend undertakes to say that if Mr. Canning were living, he would raise his voice in favour of the plan which his Majesty's government have brought forward. Oh, would to God that he were here!—

Tuque tuis armis, nos te poteretur Achille!

Would to God that he were here to confound the sophistry and fallacies of reformers, and to win back the people, by the charms of truth and eloquence, to a right appreciation of the form of government under which they live! If Mr. Canning had lived, and had changed his opinions on this or any other subject, none but high and generous motives would have influenced his course, and he would have come forward boldly and manfully to avow and vindicate his change of opinion. But in no expression that ever fell from the lips of Mr. Canning—in no one step in his brilliant and noble career, can I trace the slightest indication of the probability of any such change. My noble friend, however, says he has discovered some expressions proceeding from Mr. Canning which justify his supposition. And where does my noble friend find those expressions? Why, in a speech made by Mr. Canning in

the year 1826, upon the silk trade! But does my noble friend forget that one whole year afterwards, in 1827, Mr. Canning, being head of the government, and the question being, not silk, but reform, Mr. Canning rigidly adhered to all his former opinions? The question was, what should be done with the franchise of the borough of Penryn—whether it should be thrown open to the adjacent hundred, or transferred to the town of Manchester? Did Mr. Canning do violence to his own judgment, and make that concession to public opinion which my noble friend now demands, or did he not refuse the slightest concession, and submit to be in a small minority, rather than abate one jot of his resistance to reform? When my noble friend therefore imputes to the conduct of public men, in the years 1827 and 1828, the necessity for parliamentary reform, which he says exists at present, tenderness for the fame of Mr. Canning ought to prevent so indiscriminate an accusation. I now come to the tremendous question before the House; but before I approach the consideration of it, I must give vent to feelings of pain and humiliation, which I cannot adequately express. I am asked, I will not say to make a revolution in the country, but as was properly said by the hon. member for Callington, to substitute for the present a different constitution; and I am not invited to do this after a calm and dispassionate enquiry, but to take this hasty step by an appeal to motives, which, if I permitted them to influence me, would brand me with disgrace. I am desired—expressly and repeatedly desired—not to subject my fears to my judgment, but my judgment to my fears; to defer to authority which I cannot recognise; and to consult my own personal interest, by averting the threatened penalty of a dissolution. I would ask, why the King's name is introduced in this discussion? Why has it been stated day after day to the country, that this plan has received the particular sanction of the King? As to the reference that has been made to the discussion on the Catholic question, the cases have no similarity. On that occasion it had been publicly stated that the measure had not the sanction of the King, and the ministers had then no alternative but to declare that the measure was brought forward with the sanction of the King. But when a measure like this is introduced by the administration—when the King's consent must be presumed—when it is not called in question, is it necessary, day after day, in both Houses of Parliament, and in the public press, to state that this measure has received the approbation of his Majesty, and not only the approbation, but the written sanction of the King? I assume that such is the fact. But granting the fact, it is no imputation on my profound respect and loyalty towards his Majesty, if I disregard that circumstance; and if, admitting that the noble lord's plan has the sanction of the King, I nevertheless, as a member of parliament, exercise my judgment as unreservedly upon the question as if that sanction had not been so indefatigably proclaimed. But, Sir, I regret on other grounds that it has been thought necessary, by the friends of the measure, to introduce the name of the King in connection with it. I will not now discuss the right or the expediency of the sweeping disfranchisement that is proposed. But I am sure it will be granted to me, that the measure is at least one of great harshness towards a number of corporate bodies of proved loyalty to the crown, which are suddenly called upon to sacrifice privileges of which they have been long and justly proud. Why hold out to those bodies his Majesty as the approver, almost as the especial author, of the plan by which these privileges are to be invaded? I had thought the King was the fountain of grace and favour; but it now seems as if his ministers shrunk from their proper share of their own acts, and transferred to their sovereign the odium of this plan of disfranchisement. I do not think that it is right or decent to aggravate the injury which the corporate bodies of this country are to sustain, by telling them that it is inflicted at the instigation and by the hand of their King. I have further to complain of the menace of dissolution which has been thrown out by some members of his Majesty's government. I will not stop to enquire whether or not it is probable that that menace will have any effect. For myself, I care not for it; for I should be unworthy of a seat in this House if I were to permit myself to be influenced by it. Dissolve Parliament if you will; I care not much whether I am returned again, or retire altogether into the obscurity of private life; but if I did feel any extreme anxiety on this head, I would go to my constituents with your bill in my hand, and I would put forward, as my especial claim for a renewal of their confidence, my determined opposition to its enactments. I will go to a community which consisted,

in 1811, of between 7,000 and 8,000 persons; I will go to a borough which, whatever may have been the case in 1821—in 1831 contains above 4,000 souls; and I will tell my constituents, 400 or 500 in number, many of them not paying a rent of £10, but entitled to vote as resident householders paying church and poor-rates; I will tell them that to this bill, brought in without proof, or even argument, of its necessity, so far as it concerns them, I opposed myself to the utmost extent of my power. I will tell them that I did my utmost to preserve to them the privilege they at present enjoy, and which the humblest of them never abused—by the solicitation or acceptance of a bribe. Those constituents received me with kindness at the time when I was subjected to the indignity of expulsion elsewhere, for doing what I conceived to be an act of duty—an act beneficial to the country, but especially beneficial to that Church of whose interests I was bound to be the guardian. Shortly after I lost that proud distinction to which I have just adverted, my present constituents received me; and I will not, till some better reasons are brought forward, repay their kindness by being a party to their disfranchisement. Sir, another, and a still more alarming menace has been thrown out by the advocates of the bill. I am told by them that the alternative before me is the adoption of that bill, or civil commotion. I am to be deterred from forming a deliberate judgment on a most important public question by the prophetic visions of massacre and confiscation. Such were the words used last night by the hon. member for Calne. Let me ask the friends of the bill why I am to allow myself to be scared by this intimation? Why may I not form the same deliberate judgment on this bill, which you, who have introduced it, formed on the bill which was introduced last year by a noble lord (Lord Blandford)? By your opposition to that bill you did not imply that you were opposed to all reform; you merely implied that you objected to that bill. It is the same with me in this case. Again, on the same principle on which you, who support the bill, reject the application of the people for vote by ballot, why am not I at liberty to reject your bill? Why am I to yield to popular clamour and violence, when the noble lord opposite has not yielded to them when they demanded the repeal of the Union? We were told last night, that if we rejected this proposition, we, the individual members who so rejected it, would be held responsible for the consequences. “We will shift from our own shoulders,” say his Majesty’s ministers, even at this early period of the agitation they foresee, “the responsibility of having provoked it. We have proved our incapacity to govern, but we will show you our capacity to destroy, and hold you responsible if you obstruct us.” Oh no, Sir! On their heads shall be the responsibility of this mad proceeding. I, for one, utterly disclaim it. For what am I responsible? Was it I who raised the stormy waves of the multitude? Was it I who manifested my patriotism by exerting all my powers to excite the people to discontent with the existing constitution? Did I taunt the people with their indifference to reform, with having closed their ears to the voice of the charmer, charm he never so wisely? With having lived in the lazy enjoyment of practical good, and disregarded the promises of visionary improvement? Was it I who called for the pension list of the privy council, for the express purpose of holding up the members of that council to public indignation? Did I draw invidious comparisons between a great naval commander and the civilians who presided over the department of the Admiralty? Did I ever doom to public obloquy that hapless first lord who should be so grasping of emolument as to include in his own estimates £5,000 per annum for his own salary? Did I, at a moment when the events of Paris and Brussels had caused great public excitement, when various causes were conspiring to agitate the public mind, did I express my misplaced admiration of the conduct of assembled thousands who were supposed to have flaunted in the face of their King the emblem of a foreign revolution? Sir, if there be men who, having thus excited the passions of the people, and spurred their lazy indifference, bring forward the question of reform at a time when all prudential considerations, whether with reference to foreign or to domestic topics, ought to have forbidden such a step,—if, I say, disappointment should follow their rash undertaking, I will never, while I have a voice in this House, allow them to hold me or any other individual member of the House responsible for the consequences of their infatuation. I am told that an appeal will be made to the people. I beg not to be included among those who are charged with making any one observation disparaging to the middle classes of society in this country. I repudiate such

sentiment—sprung as I am, from those classes, and proud of my connexion with them. So far am I from underrating their intelligence or influence, that I tell you this,—you who talk of appealing to the people,—that unless these middle classes shall show more prudence, more judgment, and more moderation than their rulers, I shall despair of the destinies of my country. There are happy indications, however, which induce me to think that the confidence which I repose in the prudence, the moderation, and the judgment of the middle classes of society, has not been misplaced. You have all heard what the noble lord opposite, the Chancellor of Exchequer, said, with respect to the supposed exhibition of a tri-coloured flag at the Palace of St. James's; but have you also heard the indignant refutation of that charge which was laid on your table by a portion of the middle classes of society? So far from thinking that it was becoming in them to wave under the windows of their sovereign the memento of a fallen dynasty,—so far from thinking that it was decent, that it was consistent with the patriotic feelings of Englishmen to prefer any foreign standard to the flag which

—has braved a thousand years
The battle and the breeze;

these people, these middle classes of society, presented an address to this House, in which, so far from accepting the vindication which had been offered for their conduct in the supposed use of the tri-coloured flag, they stated, “that they felt themselves much aggrieved by certain observations and misrepresentations made on the 9th instant, which conveyed a charge of a most foul and disgraceful nature, and an approach even to the foul crime of treason.” Sir, so far were they from intending to express any approbation “of the beautiful days of Paris,” that they assured the House, that the flag they so unfortunately displayed “was nothing more than four specimens of silk, of different colours, of exquisite workmanship, curiously sewed together, and manufactured expressly for the occasion by Messrs. Lee and Bousfield, of Cheapside.” It is, Sir, from this expression of just indignation, and this natural explanation of the quadri-colour flag, that I feel redoubled confidence, that the middle classes of this country, notwithstanding the bribe of power by which it is attempted to cajole them, have too much of self-denial and too much of good sense to wish to invade that admirable constitution under which they, of all classes, have especially flourished. If I must appeal, not to the reason and calm judgment of this House, but to some extrinsic and higher authority,—the feelings and wishes of the people,—why, then, I have nothing to hope for but that, before the people of England approve of this bill, they will listen to a calm and temperate appeal in behalf of what the noble lord calls, with somewhat of cruel mockery, the old English constitution. I hope they will consider that the constitution of a government is a matter of extreme delicacy and importance; that it is a most complex machine, not to be judged of by the examination of any isolated part which may be put forward for the purpose of exciting abhorrence; but demanding a comprehensive view, not only of the structure as a whole, but of its practical effects. It was well said by Mr. Canning, whose language, however, I will not attempt to quote, that, in judging of any form of government, we should bring to the consideration of it the same caution, the same distrust in our own knowledge, with which we should pronounce upon some mighty and complex piece of mechanism. There may be detached movements that we do not comprehend—movements which, to the superficial and ignorant, may seem not only useless but pernicious; but, surely, we must not condemn them if there be harmony in the working of the whole machine, and if its object be completely effected. “Look” (said Mr. Canning) “at the frame of man—it is fearfully and wonderfully made! yet this frame of a created being—‘so noble in reason—so infinite in faculties—in apprehension so like a God,’—has parts, and performs functions which, if they are to be separately regarded, provoke feelings of abhorrence and disgust.” Sir, let the people recollect that the writers of ancient times, who existed upwards of a thousand years ago, and could have no partiality for the British constitution—that mere speculative writers, discussing, *à priori*, the various forms of government, either despaired altogether of the formation of such a constitution as ours, or described it as the most perfect of all. Can there, by possibility, be a better description of the British constitution than that contained in the words of Cicero, “Statuo cam esse

optime constitutam rempublicam"—I do not know whether I quote the words correctly—"quæ ex tribus generibus illis regali, optimo, et populari, modice confusa." Another eminent writer of antiquity (Tacitus), speaking of forms of government says, that all forms of government must consist either of king, nobles, or the people, or a combination of all these elements, the practicability of which he doubts, "Cunctas nationes et urbes populus aut priores, aut singuli regunt." "Delecta ex his et constituta reipublicæ forma, laudari facilius quam evenire; vel, si evenit, haud diuturna esse potest." Such, Sir, are the dicta of great writers on the abstract question of the modes of government. The British constitution has been made a subject of praise by every writer who has touched upon the question. I have heard quotations from Mr. Canning, from Mr. Burke, and from other great men now no more, in assertion of the excellence of the British constitution, but to these I will not refer, for I have a higher and a living authority on the same subject. I will venture to say, that if the House will permit me to substitute it for my own imperfect praise, I will read to it one of the most beautiful panegyrics on the English constitution, and more especially on the constitution of this House, that wisdom and truth have ever produced. The author of this panegyric is the noble member for Tavistock, alas! too, the author of a proposal fatal to the object of his praise. Sir, in quoting this speech, I beg that the noble lord who now proposes to lay violent hands on what was once the theme of his warmest admiration, will not imagine that I am about to upbraid him with inconsistency on account of his having altered his opinion. If he has changed his opinion, I am sure it is from a sense of duty; but, change that opinion as he may, he cannot gainsay the eternal truths which he himself has put upon record in language worthy to convey them. Sir, it was in the year 1819, on a motion which was brought forward for reform in parliament, that the noble lord made the speech which I am about to quote. The question put to him was this—"Why not disfranchise also the unconvicted boroughs?"—What was the answer of the noble lord?—"To this," says he, "I answer, that I do not, by any means, maintain that the resolutions I now propose comprise all the amendments that can be made in the frame of this House. Whenever a specific proposition is made, I shall be ready to give it all my attention, and, if I can approve of it, to adopt it. But I do not at present, I confess, see any rule by which any unconvicted borough can be disfranchised without disfranchising the whole." He goes on to say, "we then arrive at what is called a reform upon principle, or the reconstruction of the entire House of Commons." Therefore, Sir, I have the authority of the noble lord himself for this explanation of the character and effect of his present proposal, that it is neither more nor less than an entire reconstruction of the House of Commons.—Says the noble lord—"We then arrive at what is called a reform upon principle, or the reconstruction of the entire House of Commons. Now, Sir, I will not dwell upon the arguments which are generally used to repel such a proposition; arguments resting chiefly upon the advantage of admitting men of talent into this House, by means of the close boroughs; and on the danger that an assembly of popular delegates would overthrow the two other branches of the legislature. But I cannot forget that these arguments have been urged, not as some out of doors endeavour to persuade the people, by borough-mongers anxious to defend their own vile interests, but by some of the greatest, the brightest, and the most virtuous men whom this country ever produced. I cannot say, however, that I give entire credit to these arguments, because I think that, in political speculation, the hazard of error is immense, and the result of the best formed scheme often different from that which has been anticipated. But for this very reason I cannot agree to the wholesome plans of reform that are laid before us. We have no experience to guide us in the alterations which are proposed, at least none that is encouraging. There is, indeed, the example of Spain. Spain was formerly in the enjoyment of a free constitution; but in the course of the fifteenth century many of the towns fell into the hands of the nobility, who, instead of influencing the election of members to Cortes (the practice so much reprobated in this House), prevented their sending members at all. The consequence was, that when a struggle took place between the king and Cortes, the aristocracy, feeling no common interest with the representative body, joined the crown, and destroyed for ever the liberties of their country. The constitution of this country is not written down like

that of some of our neighbours. I know not where to look for it except in the division into King, Lords, and Commons, and in the composition of this House, which has long been the supreme body in the state. The composition of this House by representatives of counties, cities, and boroughs, I take to be an intimate part of our constitution. The House was so formed when they passed the Habeas Corpus Act—a law which, together with other wise laws, Mr. Cobbett himself desires to preserve, although with strange inconsistency, whilst he cherishes the fruit he would cut down the tree. This House was constituted on the same principle of counties, cities, and boroughs, when Montesquieu pronounced it to be the most perfect in the world. Old Sarum existed when Somers and the great men of the revolution established our government. Rutland sent as many members as Yorkshire when Hampden lost his life in defence of the constitution. Are we then to conclude that Montesquieu praised a corrupt oligarchy?—That Somers and the great men of that day expelled a king in order to set up a many-headed tyranny?—that Hampden sacrificed his life for the interests of a boroughmongering faction? No! the principles of the construction of this House are pure and worthy. If we should endeavour to change them altogether, we should commit the folly of the servant in the story of Aladdin, who was deceived by the cry of ‘New lamps for old.’ Our lamp is covered with dirt and rubbish, but it has a magical power. It has raised up a smiling land, not bestrode with overgrown palaces, but covered with thick-set dwellings, every one of which holds a free man, enjoying equal privileges and equal protection with the proudest subject in the land. It has called into life all the busy creations of commercial prosperity. Nor, when men were wanting to illustrate and defend their country, have such men been deficient. When the fate of the nation depended upon the line of policy she should adopt, there were orators of the highest degree placing in the strongest light the argument for peace and war. When we were engaged in war, we had warriors ready to gain us laurels in the field, or to wield our thunders on the sea. When, again, we returned to peace, the questions of internal policy, of education of the poor, and of criminal law, found men ready to devote the most splendid abilities to the welfare of the most indigent class of the community!” And then exclaims the noble lord with just and eloquent indignation at the thought:—“And, Sir, shall we change an instrument which has produced effects so wonderful, for a burnished and tinsel article of modern manufacture? No! small as the remaining treasure of the constitution is, I cannot consent to throw it into the wheel for the chance of obtaining a prize in the lottery of constitutions.” Now, Sir, I think I have fulfilled my promise, that I would present the House with as just and beautiful a panegyric on the British constitution, as emphatic a warning against the danger of tampering with it, as practical wisdom ever uttered. Let it not be forgotten, that this speech was delivered in the year 1819,—a period when the internal state of the country was such, that almost every page of your debates teems with the proofs of internal disorder. There was a Seizure of Arms Bill, a Blasphemous Libel Bill, a Seditious Meetings Prevention Bill, a Newspaper Stamp Duty Bill, and a Bill to prevent Training and Exercise, each following the other in sad succession. Why, Sir, there might be in 1819, when these Six Acts of coercion were necessarily introduced,—there might be in the circumstances of the time some justification for the measure of reform. The member for Calne might then have said with some plausibility, “You have exhausted every measure of restraint,—try now the measure of reform:” but it is strange to hear that argument used in 1831, when, every one of the coercive measures of 1819 has been blotted from the Statute-book.—Now, Sir, allow me to ask the noble lord, in his own emphatic language, “What cause should now induce me to exchange the old lamp for a burnished and tinselled article of modern manufacture?” And if some deputy from the trading company of which we heard last night—if some agent of Althorp and Co.—some dealer in the new lights—should offer me his tinsel lamp in lieu of the old one, am I not at liberty to spurn his offer, and would it not be just to inflict on him the penalty of reading in a sonorous voice, his own speech in condemnation of his own article? It has been insinuated that among those who oppose this measure are some who wish to convert it into the instrument of recovering power for themselves. Disclaimers of the wish for power are apt to find no favour, and I say little on that head; but to a certain extent I must explain myself. When last in office, I could not have proposed reform as a minister of the Crown. I

deprecated the agitation of such a question at the instance of the Crown. But having left office, and being reduced to the station of a private individual, I was then at liberty to take other views of this subject. I had to balance the danger of moderate reform against the monstrous evil of perpetual change in the executive government of this country; and I do not hesitate to avow, that there might have been proposed certain alterations in our representative system, founded on safe principles, abjuring all confiscation, and limited in their degree, to which I would have assented. I see a smile on the faces of some hon. gentlemen opposite. I am speaking with the utmost unreserve and sincerity. I never conferred upon this point, upon my honour, with any individual whatever. I am not stating this as an indication of any other plan which I have to propose. I am stating the course which I should have taken as a private individual, having a deeper interest in the prosperity of this country than any that I could possibly have in a return to office. But in this plan, which proceeds upon so extensive a principle, amounting, in fact, to a reconstruction—to use the words of the noble lord himself—of this House, I cannot concur; and I so wholly despair of modifying its provisions in any way, that when the time shall come, I shall have no alternative but to give my positive dissent to the proposed measure. I do this because I am wholly dissatisfied with it. Having listened attentively to the plan, I am wholly unconvinced by the arguments of the noble lord. Really, Sir, I fear I am wearying the House; but the subject is of such immense importance that it constitutes an apology even for unseasonable length. Let me then address myself to the arguments of the noble lord. They are arguments which, if good for any thing, will preclude this from being the final change. We shall be bound to proceed further. The noble lord said, with some inconsiderate frankness, that he found the constitution of this country in the 25th of Edward I., and the statute, "*De tallagio non concedendo*." The constitution of England in the reign of Edward I.—And what did he find there?—that no taxes could be imposed without the consent of the whole commonalty of the realm; and therefore, says the noble lord, "if this be a question of right, as I contend it is, the right is on the side of the reformer." These are the noble lord's own words. But if it be a question of right, and if the right be on the side of the reformer, why, I would ask, does the noble lord limit the franchise to particular districts and particular classes? Why confine the privilege of voting to those who rent a House rated at £10 a-year? The law knows no distinction in this respect between the contributors to the support of the state. Yet the noble lord not only refuses the right of voting to persons rated at less than £10, but he also disfranchises many who contribute to the public taxes, and who now possess the privilege of suffrage. I conceive the noble lord's plan to be founded altogether upon an erroneous principle. Its great defect, in my opinion, is that to which an objection has been urged with great force and ability by the hon. member for Callington. The objection is this—that it severs all connexion between the lower classes of the community and the direct representation in this House; I think it a fatal objection, that every link between the representative and the constituent body should be separated, so far as regards the lower classes. It is an immense advantage that there is at present no class of people, however humble, which is not entitled to a voice in the election of representatives. I think this system would be defective if it were extended further; but at the same time I consider it an inestimable advantage, that no class of the community should be able to say they are not entitled, in some way or other, to a share in the privilege of choosing the representatives of the people in this House. Undoubtedly, if I had to choose between two modes of representation, and two, only, and if it were put to me whether I would prefer that system which would send the hon. member for Windsor, or that which would return the hon. member for Preston, I should, undoubtedly, prefer that by which the hon. member for Windsor would be returned; but I am not in this dilemma, and am at perfect liberty to protest against a principle which excludes altogether the member for Preston. I think it an immense advantage that the class which includes the weavers of Coventry and the potwallopers of Preston has a share in the privileges of the present system. The individual right is limited, and properly limited, within narrow bounds; but the class is represented. It has its champion within your walls, the organ of its feeling, and the guardian of its interests. But what will be the effect of cutting off

altogether the communication between this House and all that class of society which is above pauperism, and below the arbitrary and impassable line of £10 rental which you have selected? If you were establishing a perfectly new system of representation, and were unfettered by the recollections of the past, and by existing modes of society, would it be wise to exclude altogether the sympathies of this class? How much more unwise, when you find it possessed from time immemorial of the privilege!—to take the privilege away, and to subject a great, powerful, jealous, and intelligent, mass of your population to the injury—ay, and to the stigma, of entire uncompensated exclusion! Well, but, says my noble friend (Viscount Palmerston), “Our plan at least does this—it cures that anomaly, that absurdity of the present system, which gives to voters the right of voting for places where they do not reside.” My noble friend is shocked, that men who have, or who may acquire the right of voting for places in which they do reside, should enjoy the right of voting for other places from which they are habitually absent. Well, Sir, this at least must be admitted, that my noble friend is liberal in thus consenting to the disfranchisement of a great majority of his own constituents, the non-resident Masters of Arts of Cambridge.

Lord Palmerston.—They will still continue to vote; the rule of non-residence will not apply to Universities.

Sir Robert Peel.—Not apply to the Universities! Every non-resident voter in England to be disfranchised, except non-resident Masters of Arts! And do you think that the disfranchised class will acquiesce in the reason and justice of this exception? Why may not the non-resident voter of Norwich, who cannot find employment in the place of his nativity—who is earning an honest subsistence in London—why may not he plead just as good a reason for his absence from the town, where he is now entitled to vote, as the non-resident clergyman of Cambridge or Oxford? And mark the difference; the latter will almost certainly acquire, under this very bill, the right of voting for a district in which he does reside—the former may, probably, never be able to acquire it. To the one you give a new right of voting, and also continue to him the possession of the old one; while, to the latter, you give no new right, and yet you deprive him, for a reason which equally applies to both—namely, non-residence—of the privilege of which he is now possessed. And this is your notion of justice and conciliation! A word more as to the disfranchisement of non-resident voters. One of the loudest complaints we now hear is directed against the influence exercised over voters by their landlords. We have petition after petition pointing to what has occurred at Newark and Stamford, as one of the strongest proofs of the defective state of our representative system. What is the effect of your bill? It is to confine the right of voting to a class, the great majority of which must be tenants subject to the influence of their landlords; and to deprive of the right of voting that class whose right accrues from their being freemen of a corporation on account of birth or servitude—who are all liable, as others are, to the temptation of bribery—but who possess an inalienable right of voting, not acquired by, and in no way dependent on, the will of the aristocracy. These considerations, Sir, however important, are but subordinate, when compared with the changes which must take place in the practical working of the constitution. In defence of it, we have frequently referred with exultation to the names of those men who were indebted for their first return to Parliament to some borough of comparative insignificance, and who, had that avenue not been open, might probably have never had the opportunity of distinguishing themselves in the public service. This argument has been met, in the course of this debate, by two observations. The first fell from the member for Westminster, the second from the member for Calne. Says the member for Westminster—and the remark comes with a bad grace from a man of his ability—“I admit that the small boroughs return frequently very able men, but I think we have had too much ability; we have suffered much from the talents of able men; and I want a system of representation which will give us honest rather than able men.” I reply, first, that it is absurd to suppose that the man of ability will be less honest than the man of no ability; and, secondly, that any system which tended to exclude from this House men of the first ability of their day, would be a great practical evil. If the average of the talent and general acquirements of this House should ever be below the general average of society, this House would sink in public estimation, and the distrust in our opinions and judgments would very rapidly spread downwards,

from the class of persons more enlightened than ourselves, to the great mass of society. The second observation to which I have referred fell from the member for Calne. He, too, admits that men of first-rate ability have occasionally owed their entrance into Parliament to small boroughs. "But then," says he,—and says very justly,—“we must judge of every human contrivance, not by its accidents, but by its tendencies.” “No plan of selection (says he) could be hit upon which would not give you occasionally able men;—take the hundred tallest men that you meet in the streets, you will, probably, have some able men among the number.” The cheers with which this remark was followed were so encouraging, that the hon. gentleman proceeded to illustrate his arguments by various other instances. “Take (says he) the first hundred names in the *Court Guide*,—adopt any other principle of selection that you will,—occasionally and accidentally able men will be ensured by it.” Now, Sir, I am content to try the merits of our present representative system by the hon. member’s own test. I repeat with him, that it is by tendencies, and not by accidents, that we are to judge of its merits. For the purpose of submitting those merits to that test, I wrote down this morning the names of those distinguished men who have appeared in this House, during the last forty or fifty years, as brilliant lights above the horizon, and whose memory, to quote the expression of Lord Plunkett, has had buoyancy enough to float down to posterity on the stream of time. I made this selection of these men, in the first instance, without a thought of the places they severally represented. I looked to their ability and their fame alone. If I have omitted any, their names may be added; but I believe the list I shall read will contain all the names that are of the highest eminence. It includes the names of Dunning, Lord North, Charles Townsend, Burke, Fox, Pitt, Lord Grenville, Sheridan, Windham, Perceval, Lord Wellesley, Lord Plunkett, Canning, Huskisson, Brougham, Horner, Romilly, Tierney, Sir William Grant, Lord Liverpool, Lord Castlereagh, Lord Grey. I will now read the names of the places for which they were respectively returned, on their first entrance into public life:—Dunning was returned for Calne—Lord North for Banbury—Burke for Wendover—Charles Townsend for Saltash—Pitt for Appleby—Fox for Midhurst—Lord Grenville for Buckingham—Sheridan for Stafford—Windham for Norwich—Lord Wellesley for Beeralston—Perceval for Northampton—Plunkett for Midhurst—Canning for Newton—Huskisson for Morpeth—Brougham for Camelford—Romilly for Queenborough—Horner for Wendover—Lord Castlereagh for the county of Down—Tierney for Southwark—Sir William Grant for Shaftesbury—Lord Grey for Northumberland—Lord Liverpool for Rye. These are the names of, I believe, the most distinguished men of the times in which they lived. They are twenty-two in number. Sixteen, on first entering public life, were returned for boroughs every one of which, without an exception, the noble lord proposes to extinguish. Some few of these distinguished men owed, it is true, their first return to a more numerous body of constituents. Mr. Sheridan was first returned for Stafford—Mr. Windham for Norwich—Lord Castlereagh for the county of Down—Mr. Tierney for Southwark—Lord Grey for Northumberland; but it is equally true that, for some cause or other, either the caprice of popular bodies, or the inconvenience of ministers of the Crown sitting for populous places, in every one of these cases the honour of the populous place is relinquished for the repose of the small borough. Mr. Sheridan quits Stafford for Ilchester—Mr. Windham takes refuge in Higham Ferrars—Mr. Tierney prefers Knaresborough to Southwark—Lord Castlereagh rejects Down for Orford—and Lord Grey consoles himself for the loss of Northumberland by appealing, with success, to the electors of Tavistock. Now, then, I have applied your own test, I have looked not to accidents but to tendencies, and I ask you, whether the tendency of the present system of representation is not to secure to distinguished ability a seat in the public councils? But, after all, this question must be determined by a reference to still higher considerations. The noble lord has pointed out the theoretical defects in our present system of representation; he has appealed to the people; he has desired them to accompany him to the green mounds of Old Sarum, and the ruined niches of Midhurst. I, too, make my appeal to that same people. I ask them, when they have finished poring over the imputed blots in their form of government, when they have completed their inspection of the impurities of Old Sarum, and Gattou, and Midhurst, I ask them to elevate their vision, *O s homini sublime dedit*,

to include within their view a wider range than that to which the noble lord would limit them. I ask them to look back upon a period of 150 years—to bear in mind that their constitution, in its present form, has so long endured,—and I ask them where, among the communities of Europe, do you find institutions which have afforded the same means of happiness, and the same security for liberty? I conjure them to bear in mind the result of every attempt that has hitherto been made to imitate our own institutions. In France, in Spain, in Portugal, in Belgium, the utmost efforts have been exhausted to establish a form of government like ours—to adjust the nice balance between the conflicting elements of royal, aristocratical, and popular power—to secure the inestimable blessings of limited monarchy and temperate freedom. Up to this hour these efforts have signally failed—I say not from what causes, or through whose fault—but the fact of their failure cannot be denied. Look beyond the limits of Europe, and judge of the difficulties of framing new institutions for the government of man. If power can be so safely entrusted to the people—if they are so competent to govern themselves—such enlightened judges of their own interests—why has it happened that, up to this hour, every experiment to establish and regulate popular control over executive government has, with one single exception, failed? Where are the happy republics of South America? What has obstructed their formation? What has prevented the people from exercising the new power conferred upon them to the advancement of their own interest, and the confirmation of their own liberties? Let us beware how we are deluded by the example of a single successful experiment—how we conclude, that because the form of government in the United States is more popular than our own—that it would be safe, therefore, to make ours more popular than it is. The present form of the American government has not endured more than forty years. It dates its institution, not from the establishment of American independence, but from the year 1789. Even within that period, the spirit of that government has undergone a change, it is not the same as it was at its original formation; its constant tendency has been towards the establishment of a more pure and unmixed democracy. If I were to grant, that it is a form of government constantly tending towards improvement, that it is calculated permanently to guarantee vigour in war and internal repose, and to meet all the growing wants of a great nation, still the circumstances of the two countries are so totally different, that no inference could be drawn from the success of such a form of government in the United States, in favour of the application of its principles to this country. The boundless extent of unoccupied land in the United States—the absence of all remote historical recollections—of an ancient monarchy—a powerful aristocracy—an established church—the different distribution of property in the two countries, are all circumstances essentially varying the character of the institutions suitable to each country. We should do well to consider, before we consent to the condemnation of our own institutions, what are the dangers which menace states with ruin or decay. Compare our fate with that of other countries of Europe during the period of the last century and a half. Not one has been exempt from the miseries of foreign invasion,—scarcely one has preserved its independence inviolate. In how many have there been changes of the dynasty, or the severest conflicts between the several orders of the state? In this country we have had to encounter severe trials, and have encountered them with uniform success. Amid foreign wars, the shock of disputed successions, rebellion at home, extreme distress, the bitter contention of parties, the institutions of this country have stood uninjured. The ambition of military conquerors—of men endeared, by success, to disciplined armies, never have endangered, and never could endanger the supremacy of the law, or master the control of public opinion. These were the powerful instruments that shattered with impunity the staff of Marlborough, and crumbled into dust the power of Wellington. Other states have fallen from the too great influence of a military spirit, and the absorption of power by standing armies. What is the character of the armies which our commanders led to victory? The most formidable engines that skill and valour could direct against a foreign enemy; but in peace, the pliant, submissive instruments of civil power. “Give us,” says the member for Waterford, “give us for the repression of outrage and insurrection the regular army, for the people respect it for its courage, and love it for its courteous forbearance, and patience, and ready subjection to the law.” And what, Sir, are the practical advantages which we are now promised, as

the consequence of the change we are invited to make,—as the compensation for the risk we must incur? Positively not one. Up to this hour, no one has pretended that we shall gain any thing by the change, excepting, indeed, that we shall conciliate the public favour. Why, no doubt, you cannot propose to share your power with half a million of men without gaining some popularity—without purchasing by such a bribe some portion of good-will. But these are vulgar arts of government; others will outbid you, not now, but at no remote period—they will offer votes and power to a million of men, will quote your precedent for the concession, and will carry your principles to their legitimate and natural consequences. On all former occasions, some inducements were held out to us to embark on this perilous voyage. We used to be told that we should acquire new securities against ruinous wars; as if every war, according to the express admission of Mr. Fox, up to the time at which he was speaking, and every subsequent war, had not been the war of the people. We used to be told that great retrenchment, great reduction of taxes, must inevitably follow reform; but we are told this no longer, since a reforming government has found it necessary to increase the public expenditure in the very year in which they propose reform. But reform is necessary for the purpose of curtailing the influence of the Crown in this House! Some say, that through the influence of the Crown, others that through the influence of the aristocracy, bad ministers are kept in office against the wishes and interests of the people; and that this is effected through the means of enormous patronage, and for the purpose of sharing in its spoils. The influence of the Crown, indeed! The power of the Peerage to maintain unpopular ministers against the public opinion! And this is gravely said at the time when you have had five different administrations in four years; five prime ministers in rapid succession, from Lord Liverpool to Lord Grey. I lament—deeply lament, the time which has been chosen for the introduction of this measure. It is brought forward at a period of great excitement; when men are scarcely sober judges of the course which it is fitting to pursue. This has been always the case with reform; it has been uniformly brought forward, either at the times of domestic calamity, or when the agitations of other states had infected us with extravagant and temporary enthusiasm for what was considered the cause of liberty. Look at the great periods of commercial or agricultural distress. You will almost invariably find reform in parliament proposed as the panacea for distress, and finding favour just so long as the distress has endured. If you find a debate on parliamentary reform, be assured that “some dire disaster follows close behind.” Look again at the political struggles in other states. They never have occurred without suggesting to us the necessity of parliamentary reform. In 1782, shortly after the great contest in North America, and the establishment of an independent and popular government in the United States, Mr. Pitt brought forward the question of parliamentary reform. It remained dormant altogether from 1785 to 1790. The revolution in France had then commenced, and Mr. Flood, who brought forward the question in 1790, appealed to the example of France as a powerful reason for adopting reform at home. He dwelt on the shame of England in being behind any other country in the race for liberty, and prophesied that France was about to establish a popular, and therefore a pacific government—abjuring all wars and all aggressions, because they were contrary to the interests of the people. We fortunately waited a short period, and found that his prophecies were not very accurately fulfilled. In 1820, revolutions took place in Italy, in Spain, and in other parts of the continent. In 1821, we had a motion for reform; and the author of that motion, the present Lord Durham, then Mr. Lambton, hailed the events that had occurred on the continent as the auspicious dawn of liberty abroad, and improvement here. He said, speaking of the force of public opinion—“Where its power and justice are acknowledged, as in Spain, the prospect is most cheering. We see disaffection instantaneously quelled, venerable and rotten abuses reformed—superstition eradicated—and the monarch and the people united under a constitution which alike secures the privileges of the one, and the liberties of the other. May I not, then, consistently hail the rising of the star, in what was once the most gloomy portion of the European horizon, as a light to show us the way through all our dangers and difficulties, as a splendid memorial of the all-conquering power of public opinion?” Again we waited, and now, I ask, was the star that appeared in Spain that steady light by which it was fitting that our steps should be

guided? or was it the return of an eccentric comet, shedding "disastrous twilight," and "with fear of change perplexing monarchs?" We are arrived at 1831, and reform is again proposed, whilst the events of the last year in Paris and Brussels are bewildering the judgment of many, and provoking a restless, unquiet disposition, unfit for the calm consideration of such a question. I, too, refer to the condition of France, and I hold up the late revolution in France, not as an example, but as a warning to this country. Granted that the resistance to authority was just; but look at the effects,—on the national prosperity, on industry, on individual happiness,—even of just resistance. Let us never be tempted to resign the well-tempered freedom which we enjoy, in the ridiculous pursuit of the wild liberty which France has established. What avails that liberty which has neither justice nor wisdom for its companions—which neither brings peace nor prosperity in its train? It was the duty of the King's government to abstain from agitating this question at such a period as the present—to abstain from the excitement throughout this land of that conflict—(God grant it may be only a moral conflict!)—which must arise between the possessors of existing privileges, and those to whom they are to be transferred. *It was the duty of the government to calm, not to stimulate, the fever of popular excitement.* They have adopted a different course—they have sent through the land the firebrand of agitation, and no one can now recall it. Let us hope that there are limits to their powers of mischief. They have, like the giant enemy of the Philistines, lighted three hundred brands, and scattered through the country discord and dismay; but God forbid that they should, like him, have the power to concentrate in death all the energies that belong to life, and to signalize their own destruction by bowing to the earth the pillars of that sacred edifice, which contains within its walls, according even to their own admission, "the noblest society of freemen in the world."

When the right hon. baronet resumed his seat, Mr. Gisborne moved the adjournment of the debate, which was agreed to, and the adjournment ordered till the following day.

PARLIAMENTARY REFORM.

MARCH 8, 1831.

On the sixth night of the debate on the Ministerial Plan of Parliamentary Reform, Sir James Graham having closed his speech,—

SIR ROBERT PEEL rose to explain. He was sure the House would not be surprised at his wishing to make an explanation, and he should, therefore, claim their indulgence. The right hon. baronet opposite had charged him with introducing personal asperity into this debate, and he hoped he might fairly say, that he never was accustomed to give occasion to such a charge. The question, however, was, who had been the aggressor; and that which the right hon. baronet alluded to had been spoken in reply to his noble friend (Lord Palmerston) who had introduced the crimination of the last ministry. The right hon. gentleman had also said, that he (Sir R. Peel) was now acting as the advocate of potwallopers. What he had said was, that if there were no alternative between the £10 franchise and the potwallopers, he would prefer the £10; but that, if they found the people were entitled to this right of voting, he doubted the policy of disfranchising them, and thus cutting off the link between the lowest order and other ranks of society. He could not see any reason why he had been thus referred to, nor was it possible that he could be a party to any attempt to obstruct the government. His introduction of the subject of Ireland was in allusion to the danger of massacre, which had been talked of. He asked why he should not be left to form his own opinion as to the amount of danger, as well as right hon. members, upon the subject of reform, as was done with respect to the proposal of the noble member for Woodstock last year, and as the members of the government themselves had acted upon this principle with respect to the repeal of the Union, upon which as great a clamour had been raised as was now raised for parliamentary reform; in this sense only had he referred to Ireland.

TIMBER DUTIES.

MARCH 18, 1831.

Lord Althorp, as Chancellor of the Exchequer, moved the following Resolution, in a Committee on the Timber Duties:—"That it is the opinion of this Committee, that in lieu of the duties of Customs heretofore payable, as mentioned in the table annexed, there shall be taken and received the duties following:—On all timber being eight inches square, imported from any port in the Baltic, on or after the 1st of January, 1832, there shall be payable, per load, a duty of £2 9s.; after the 1st of January, 1833, a duty of £2 3s.; and, after the 1st of January, 1834, a duty of £2."

In the debate which followed,—

SIR ROBERT PEEL said, that he had never been involved in greater difficulty than in coming to a decision on the question. He expected that he should be called upon to discuss a portion of the noble lord's budget, but he found to his surprise, that, instead of having a portion of the former budget, the noble lord thought he had succeeded so well with his budget of 1831, that he had ventured to make one for 1832. He (Sir Robert Peel) was anxious to hear the matter fully discussed. He could not dismiss financial considerations, nor the interests of the consumers, nor those varied and important considerations which arose out of the question. He felt that the legislature had attempted too many experiments, and that it was not desirable to add to them by an experiment on the shipping and colonial interests. The noble lord gave no reason for the proceeding. He had himself completely changed his own view of the question, and could give no reason for the change; yet he expected that, without any consideration, all others should also adopt his altered views. The noble lord would not accede to the proposition of his right hon. friend (Mr. Herries), and have a committee similar to that of the year 1821, to enquire into the subject. Such a committee could enquire far more satisfactorily than it was possible for the whole House to discharge such a duty. They stood upon the report of the House of Commons in 1821, which went fully into the whole subject, and recommended the existing scale. The noble lord was bound to show that that report was unfounded; but not even one cogent argument had been urged to prove that to be the case, and yet they were to be excluded from that further enquiry which they desired—and this, too, when the resolutions referred only to a future year, and could not require immediate or instant decision. He did not mean to impute to the noble lord any desire to take the House by surprise, but he must say, that if such had been the noble lord's intention, he could not more completely have effected it. An hon. gentleman had said, on a preceding night, with reference to the question of reform, that the surprise of the measure then brought forward had taken away his breath; and it really appeared as if the noble lord had been anxious on this occasion, in a similar measure, to take away the breath of those on the side of the House opposite to himself. As he should not be precluded from further enquiry by supporting the amendment, and as it left the subject open to have a better and fuller enquiry before a committee, he should certainly support the motion of the hon. member for Boroughbridge.

Lord Palmerston claimed the vote of his right hon. friend (Sir R. Peel), on the ground that, as he wished for further enquiry, he ought to support the motion for reporting progress and asking leave to sit again, instead of that for the chairman to leave the chair.

Sir R. Peel was quite astonished at the observations of his noble friend. He was reluctantly, indeed, compelled, by the course which the noble lord had pursued, to prefer that proposition which would undoubtedly preclude the noble lord from proceeding further with the question at present. But why did the noble lord postpone the question to the Friday? Why postpone the discussion to the day preceding the question of Reform, which must necessarily occupy several nights? Why, too, not begin till nine at night, when, on other occasions, the important business of the evening always began at five o'clock. He could not help thinking that this singular delay was intentional; and he could not consent to allow all those important interests involved in this question to remain in a state of suspense till it accorded with

the pleasure of the noble lord to fix some subsequent day for continuing the adjourned debate. Would the noble lord either allow this question to have precedence of Reform on Monday, or would he agree to the appointment of a Select Committee? If the noble lord would do neither of these things, he must vote with the hon. member for Boroughbridge.

Mr. Attwood's motion, that the Chairman do leave the Chair, was carried, on a division, by 236 against 190; majority against ministers, 46.

REFORM BILL FOR IRELAND.

MARCH 24, 1831.

In the debate upon Mr. Stanley's Bill to amend the representation of Ireland.

SIR ROBERT PEEL, rising after the Lord Advocate, spoke as follows:—Whatever merit the speech of the learned lord may have, and its merit I do not contest,—it is not, I fear, much entitled to the praise of being well calculated to recall the attention of the House to the immediate subject of this night's debate,—namely, the Bill for Irish Reform. Says the learned lord, and apparently with great truth—"About Ireland and its representation, I know positively nothing." As to the fitness or unfitness of any one clause of the Irish Bill, the learned lord seemed to think himself wholly incapacitated to form a judgment, but I will take, thinks he, this unsuitable occasion of delivering an ingenious and powerful argument on that which is by far the most important matter in discussion—the ultimate and permanent tendencies of the general measure of reform. Sir, I quarrel not with the noble lord for having done this,—I am not so zealous a partisan that I cannot listen with satisfaction to the exercise of powerful talent, and the display of astute reasoning, even when they are arrayed against the cause which I espouse; and I listen to them, on this occasion, with the greater satisfaction, when I recollect the avenue through which the learned lord effected his entrance into parliament, and when I can appeal to them as an argument against the intended close of every such avenue for the future. Though wholly unprepared to expect the speech of the learned lord,—having concluded that nine days' debate had completed the discussion, for the present, on the general question of reform—I still feel that it would not be right to permit the learned lord's speech to pass without a reply. The learned lord has disregarded the vulgar appeals to the feelings and passions of the House; has wisely disclaimed the resort to those means by which the cheers of the unreasoning and unreflecting can at any time be easily purchased; and has attempted to establish, by a chain of temperate consecutive reasoning, that our alarms as to the tendencies of the measure of reform are visionary,—that, so far from being a revolutionary, it is a constitutional and conservative measure, and, above all—and, I must say, to my infinite surprise—to show that it has that which, in the eyes of the learned lord, is its pre-eminent merit—a tendency to diminish the democratic, and confirm and increase the aristocratic influence in this House. I will attempt to imitate the example of the learned lord, and follow him step by step in his argument. The learned lord began his speech by a vehement protest against the application of the word "revolutionary" to the measure of reform. I, for one, never have used the word revolutionary in the sense and in the mode against which the learned lord protests—that is, I have not attempted, by giving a nickname to the Bill of Reform, to excite an irrational prejudice against it; but if by revolutionary was meant, by those who did use the term, a tendency to make an immense change in the form and practical working of the constitution—a tendency to derange the well adjusted balance of opposite and conflicting powers—to introduce elements into the government of this country, untried in practice, of power almost unlimited, and in their probable effects replete with danger,—if that be the sense in which, as I believe it was, the term revolutionary was used by those who applied it, then I am prepared to vindicate its application, and to repeat the phrase as one perfectly correct and apposite. The noble lord equally objects, also, to the course of argument which has been pursued by the opponents of this measure. He says, that we confound two things which ought to be kept perfectly distinct; that the measure, if it be revolutionary, must be so, either on account of the disfranchisement of the bo-

roughs, or on account of the change that will hereafter take place in the constitution of this House; and that we are bound in argument to assign to each of these separate causes of danger its own proper effects, and that, if we cannot prove the effects separately to be considered revolutionary, we have no right to combine those effects, and argue, from the cumulative danger, against the measure as a whole. Certainly, Sir, nothing could be more convenient to the learned lord than to confine within such limits the reasoning of his opponents, but what pretext can there be for prescribing such limits? What could be more rational or more just than, supposing that any given measure should recognise principles that shake the foundations of property, and the security of chartered rights, and should, at the same time, introduce perilous changes in the working of the constitution—what could be more rational than to argue, “Your measure is unjust in its principle, and is dangerous in its tendency; and it is from the combined considerations of injustice and danger of unconstitutional precedent, and imminent positive evil, that I am compelled to reject it, and reject it by the peculiarly fitting name of a revolutionary measure?” If then, Sir, I am entitled, in estimating the merits of this measure, to consider its general scope and character, let us see what is the amount of the practical change which is made by one stroke in the representative system of the United Kingdom? It is proposed to destroy the proportions which are at present established between the several parts of the United Kingdom. There is to be an addition to the representative body of Ireland; an addition to that of Scotland; a small addition to that of Wales: all these additions made on no defined principle, and at the same time that they are made, no less than sixty-two members are to be withdrawn from the representation of England. The constituent body in every place, county, city, and borough, is to be materially changed—the limits of almost every city and borough in England must inevitably be changed—the limits of all, without exception, are liable to be changed—to be changed, not by law, but by the arbitrary discretion of the Privy Council. By this bill there are not more than fifty cities or towns in England which can, by possibility, retain their former limits, so far as their borough or electoral jurisdiction is concerned; and those fifty are liable to have their limits changed, if it shall so please a committee of the Privy Council. But above all, by this bill the right of the returning members for towns and cities in every part of the United Kingdom is hereafter to be intrusted to one predominant class of the people—that class, subject to the same influences, whether for good or evil, swayed by the same sympathies, agitated by the same passions, combined by the same interests. Is that an unfair description of the scheme of reform? Now if you had done that which you have totally omitted to do—proved that, *a priori* at least, it was a beautiful scheme—if you had given, which you have not given, convincing reasons for altering the relative proportions of the representation of the United Kingdom—if you had established any sufficient ground for the extensive disfranchisement you propose, and had demonstrated the policy of the new qualifications you are about to establish—if you had done all these things—not one of which you have attempted—still I should distrust your predictions as to the future practical working of your beautiful speculative scheme—I should distrust them, from the experience of repeated failures in cases wherein, *a priori*, there had been just as good reason to expect success. Does the learned lord think there is no hazard in extensive change, apart from any consideration of the nature and character of that change? Does the learned lord think, that it is wise in any country, above all in a country like this—of institutions so ancient—of interests so complicated—of relations of society so artificial—to abandon the magic influence of prescription—to resign the unpurchasable benefit of those associations which connect the present with the ages that are past, of those feelings and affections of the heart, that in every clime, and under every form of government, are the unseen prompters of loyalty—the true motives of cheerful obedience? You may frown upon them as irrational prejudices. They are no such thing—they are the impulse of a wise and provident nature—the checks upon the restless appetite for change—the unerring instincts that were purposely planted in the heart “to correct and fortify the feeble contrivances of reason.” Such are the aids of good government which the learned lord’s scheme has rejected. And yet he tells us, after abandoning the main, the only guarantee against perpetual innovation, that the chief merit of the scheme is—that it is a final settlement. A final settlement!—it cannot be final. If the principles upon which it rests be good,

—if the arguments which are its sole vindication be conclusive—they are conclusive against its being a settlement of the question of reform. What avails it that reformers are agreed upon the acceptance of it? What consolation is it to me that the member for Middlesex (Mr. Hume) has sent forth his circulars, enjoining unanimity for the present? “Waive,” says he (I quote one of his letters), “all discussion about the ballot—be silent about annual parliaments—above all, praise the ministers, and take the present good they offer you.” Why, Sir, he might just as well have added—what he has thought it politic to conceal, but which he meant to imply. “Seize the instrument which this Bill puts into your hand—occupy the commanding position which will enable you to extort all that you can wish.” What avails it that the Ballot is now kept in the background? If the advocate for the Ballot could say with truth, that this Bill was a compensation for the loss of the Ballot—that it was an equivalent, which he could accept in the lieu of the Ballot—there might be some pretence for his supposed compromise; but if this bill only fortifies his arguments in favour of the Ballot—if it establishes a new class of voters, peculiarly liable to that aristocratic influence, which the learned lord says will be so copiously and so successfully exerted—what pretext has the advocate for the Ballot to postpone, beyond the passing of this bill, the assertion of his own views? When the learned lord says this settlement will be a final one, he is so far right that probably, for a short time, there may be a general wish, at least on the part of the reformers, to acquiesce in its provisions. The expectation of great benefits—gratitude for new privileges—the pleasure of novelty, may secure a short trial for the new constitution. But these impressions will gradually grow weaker. The classes that are left unrepresented will begin to stir—they will read the preamble of the bill—and with some justice, enquire why they should be excluded from its benefits? Every one naturally seeks for an illustration of his argument, from some place of which he has a local knowledge; and I shall be obliged to the learned lord if he will now favour me with the answer to the claim which I am about to prefer on behalf of the place of my nativity. I have no interest in preferring it—no property in the place—no peculiar motive for wishing its prosperity, except one, which the learned lord, I suppose, will reject as a mere prejudice—that it was the place of my birth, and remains endeared to me by the first and most durable impressions that are made on the mind. Now I ask the learned lord, what will be his answer to the parish of Bury, in the county of Lancaster, supposing that two years hence it puts forward its claim to the representation? It will—at least it may—allege, that it had, in 1821, a population of 34,500 inhabitants—that it included large manufacturing establishments. It may remind you that you confiscated the franchise of thirty boroughs—curtailed that of forty-seven—that you contended you had a perfect right to do this, in order to transfer the privilege to more important and more populous places. Then will Bury put this perplexing question—“Why exclude me from the privilege of sending a single member to parliament, and continue to the town of Malton the privilege of sending two?” What is your answer? Surely, not prescription—surely, not chartered rights. Oh, no! You have no better answer than this:—“That the same population return which assigned to Bury 34,500 inhabitants, assigned to Malton 4,005; and the privilege of Malton rested on this sure and stable foundation, that, ten years since, it had actually five inhabitants more than the number of 4,000.” How satisfactory to Bury! In 1821, three prolific ladies of Malton protected their native place from spoliation, by clubbing among them the number of five children. Charter is nothing—prescription is nothing—but two pair of twins, born ten years ago, are the guardians of the privileges of Malton; and the bar to the claims of Bury. I suppose, however, that Bury should cheerfully acquiesce in the superior claims of Malton. What will it say to Gateshead? Gateshead is an upstart like itself, with nothing but population to plead; and when the parish of Bury shall have proved to you, that whilst its population was 34,500, the population of Gateshead was less than 12,000, what is the answer which you will make to the claim of Bury to be admitted to a privilege which has been conferred on Gateshead? So much for the prospects of the final settlement of the learned lord. I approach another branch of the argument of the learned lord. He says, that the balance of the constitution has been destroyed—that the popular rights have been invaded—that the ancient theory of the constitution is in favour of a popular assembly controlling the prerogative of

the Crown, and balancing the power of the House of Peers. When the learned lord reverts to ancient theories of the constitution, will he revert to them all? And if he does not, is he not deranging, instead of adjusting, a balance between opposing powers? If the learned lord could find, in his history of the constitution, any precedent or preamble on which it could be right to give to the people a controlling power, such as he would give to them; and if the learned lord thinks it advisable now to reinstate the people in the possession of that power; surely it would be right, at the same time, to restore to the Crown those countervailing prerogatives, which it would be necessary, by the learned lord's theory of the constitution—that the Crown should not only nominally possess—but be enabled practically to exercise. Can the learned lord do this? Can he remount to the ages of comparative barbarism, and restore to the Crown, for any practical purpose, its slumbering prerogatives? Can he draw from the ancient armouries of the constitution the rusty weapon of the *veto*, with which the Crown once could check popular encroachments? Why, sir, if he cannot do this for the Crown, let him beware how he resorts to ancient theories of the constitution, which can only be partial in their application. The learned lord, however, asks these questions;—"What can be the danger of intrusting power to that industrious, intelligent, enlightened class of society, to whom the present bills give the right of voting? Are they incompetent judges of their own interests? Are they disloyal? On the contrary, are not the people of this country distinguished for loyalty, and for almost an undue deference to rank and station?" I answer the noble lord thus:—"When you have once established the overpowering influence of the people over this House—when you have made this House the express organ of the public voice;—what other authority in the state can,—nay, more, what other authority of the state ought—to control its will, or reject its decisions? The people are the judges of their own interests—the people are enlightened and well affected to the throne, the House of Commons is the organ of the people—who will presume to check its patriotic course? Let not this question be decided by mere abstract reasoning—by calculations of opposite probabilities:—look at the history of your own country—at the history of all other countries, and enquire, whether it is not the tendency of every popular assembly to assume power to itself, and to encroach on the authority of other co-existing institutions? The assumption of such power is no necessary evidence of evil intentions; it may commence with patriotic views—it may be compatible with good government;—but the question for us is this,—is it compatible with the good government of this country, and with the maintenance of a limited monarchy? Look at the early history of the National Assembly of France. I say the early history—for I purposely avoid the reference to the latter stages of the French Revolution, because I want not to scare you with the visions of rapine and of blood.—Of whom was the National Assembly composed? Of men of great acquirements—of high moral character—of men who professed the most devoted loyalty to the Crown, and who assured Louis XVI. that the only danger he incurred was from the exuberant affection of the people of France. Mark the gradual, but rapid progress by which all power was absorbed;—and mark the difficulty—the real difficulty, of maintaining in argument—that the National Assembly, deriving its powers immediately from the people, was not competent to exercise, and ought not to exercise, the sovereign power of the state. A question arose, not long after the formation of the assembly, "In what authority ought the prerogative of declaring war and making peace reside?" Mirabeau, at that time among the warm advocates for popular privilege, contended, notwithstanding, that that special prerogative should continue in the Crown. He was overwhelmed by the reply of Barnave, who asked, naturally and justly, why, if the people understood their interests—why, if the National Assembly was faithful to their constituents, and was the mirror of the popular will—why should they devolve on a single individual (possibly on a child, possibly on a man of weak understanding) the exercise of a prerogative which involved the interests, and might hazard the existence of France? So difficult was it for Mirabeau to resist the popular torrent, that, in his reply to Barnave, he bitterly complained that he had been denounced in the streets of Paris as a traitor to the cause of the people, for maintaining what he thought an essential prerogative of the Crown. I cannot but think that even the discussions in which

we are at this moment engaged, afford an example of the probable power which any authority will hereafter possess to control the voice of a House of Commons, much more popular in its origin than the present. Who asks now what course the House of Lords will take with respect to this bill, should it pass the House of Commons? It seems taken for granted, that it must pass the House of Lords—that it would be vain to oppose a measure that extends popular privileges, and is said to be in conformity with the wishes of the majority of the people. The same impression will exist in a still stronger degree, hereafter, with respect to all popular measures which a reformed House of Commons may offer for the acceptance of the House of Lords. The tendency on the part of this House will be to gratify their constituents by popular measures, and to increase their own power; and the countervailing influence of any of the authorities in the state will become gradually weaker, and, ultimately, owe its bare existence to its practical disuse. It may be said, that no such consequences follow in the United States of America, and that the Senate of that country can resist, with effect, measures proposed by the popular assembly, of which it disapproves. But let it be remembered, that the Senate of that country is no hereditary aristocracy—that it derives its authority from the same source which confers all authority in that country—the choice of the people; and that the conflict, therefore, between the two branches of the legislature in the United States is the conflict of one portion of the people with another. “But,” says the learned lord, “the House of Commons will be less democratical in its new form than it now is.” “It is a mistake,” argues the learned lord, “to suppose, that because the close boroughs are destroyed, therefore the influence of the aristocracy has ceased. Friendly ties will still continue to exist between the landlord and the tenant, and can it be doubted that the latter will adopt the opinions, and act upon the wishes of the former?” But, Sir, if this be the case, whither has fled all the indignation that has been directed against such influence; and what becomes of the standing order, which we have had so often quoted, declaring any interference of peers in elections unconstitutional? I am afraid that this is one of those cases referred to by the member for Milborne Port, in which “the sarcasm destroys the syllogism, and the argument is lost in the vituperation.” It is said, that there is a strange inconsistency among the opponents of the measure,—that some admit that the aristocratical influence may be maintained, and that others assert that it will inevitably be destroyed. It may seem very absurd, but I see no inconsistency in the same person holding nearly a similar doctrine. I cannot deny that, in times of political quiet, the just influence of the landlord will tell upon the tenant—that the influence of gratitude, of interest, of deference to authority, will be felt; but what I fear is, that when the storm rises—when the passions of the people are excited—when the press is exercising its mighty power, all in one direction, and on that class which has just education enough to be peculiarly liable to its influence—then I fear the same consequences will follow, that have followed in Ireland; excitement and agitation will overbear the weight of gratitude and of interest, and all the ordinary motives of action—then, I fear, the remaining barriers you will have left against popular encroachment, will be swept away by some sudden and irresistible influx of the tide. The learned lord says that, on a former night, I argued unjustly in favour of the maintenance of the small boroughs, by making an unfair selection of the eminent men whom they had returned to parliament. He says, if I gave the names of the eminent men, I ought also to have given those of the useless and undistinguished members, and that the number of the latter would have greatly predominated. Of course it would; but this was not the principle of my selection. I took the names of all those persons (without the least reference, in the first instance, to the place by which they were returned) who had been the most eminent in the annals of parliament. One omission I made, and I rejoice in the opportunity of repairing it—I omitted the name of Mr. Ricardo—a name for which I have true respect. I took twenty men, the most celebrated of the times in which they lived, and I enquired by what means they came into parliament? Surely, if I found that sixteen or seventeen were returned for the small boroughs, and not more than three or four for the populous districts, it was fair to argue that the total extinction of the small boroughs would probably exclude great talents that would otherwise gain admission to the House. But, said the

hon. gentleman, the member for Milborne Port, many of the eminent men, returned for small boroughs, were advocates for Parliamentary Reform, and were among the most enlightened friends of popular rights. So much the better for my argument. If the members for the decayed boroughs had been infected by a narrow corporation spirit—if they had, indeed, been *curvæ in terris animæ, ac celestium inanes*—then you would have justly demanded the abolition of the system which sent them here; but if you have found among them men of expansive minds, who justly claim for themselves the privilege of representing, not the decayed borough that sent them here, but the universal people—then, I contend, they reflect a lustre on the humble origin from which they derived the opportunity of personal distinction and the means of public service. Sir, I have referred to the member for Milborne Port (Mr. Sheil); I heard his speech with great satisfaction. I was consoled by the reflection, that I had contributed, by that measure which cost me so much uneasiness, to wean great talents, great powers of eloquence, from popular agitation, and to find for them a fitter and worthier occasion for their display. I thought, too, I saw an argument in favour of that system which the hon. gentleman was condemning—when I recollected, that although the popular constituency of an Irish county had rejected the hon. gentleman—the avenue of a decayed borough had been opened to him—and that Milborne Port had bestowed the distinction which the county of Louth had refused. I asked myself, by what means—when we have made, by this bill, the mere local interests predominate in every town and district in England,—when we shall have established not one, but 200 Bassetlaws,—by what means will the hon. gentleman effect his future return to Parliament? Must he, hereafter, have to stoop to agitation, to conciliate the favour of an Irish constituency? or, disdaining to do it, must he retire discomfited, before either the purse of a richer, or the exciting violence of a less scrupulous rival? One word more to the hon. gentleman. When he stood on that floor, discussing the interests of the mightiest empire of the world, when he was heard with mute attention; or cheered by the animating voice of this assembly,—did he feel it no advantage—no distinction to Ireland,—that an imperial parliament was open to her distinguished sons? Never, never, if I were he, would I consent to relinquish that privilege for my country,—never would I consent to banish such talents and acquirements as his from the councils of a great empire; and send them back to the narrow arena of a local parliament in Dame-street—to the discussion of Dublin police and Dublin paving boards—and all the comparatively petty subjects of mere Irish legislation. Sir, I have been seduced far away from the subject under immediate consideration—the details of the bill for Irish Reform. I was greatly disappointed by the speech of the right hon. gentleman who introduced it. I expected a statesmanlike exposition of its principles,—an enlarged view of its probable bearings on all the great interests of property, of establishments, of religion, which it so deeply involves. I have heard nothing but a dry explanation of the clauses of the bill, which I could just as well have collected from the reading of the marginal notes. I consider it a great mistake, that you propose to disturb the relative proportions of the constituency of the United Kingdom. As if reform was not a subject difficult enough for the grasp of the government, they embarrass it with extrinsic difficulties, which every prudent man would be most cautious to avoid, and which it was totally unnecessary to incur. What have you gained by giving five additional members to Ireland—while you deprived England of sixty-two? Why, that an Irish member is the first to complain, and tell you, that if you are to disturb the proportions, you ought to disturb them on some principle. The singular grievance is, not that Ireland gains five additional members, but that she does not gain ten. The hon. member for Kilkenny has another ground of complaint: he says—and really I know not who is to answer him—“While you are about it, why not reform effectually, and on some intelligible principle? You disregarded charters, you laugh at established usage—then why, as you are unfettered by all such considerations, not give representation according to the wants of the country?” The hon. gentleman then observed,—that if you draw a line from Londonderry to Cape Clear, on the east side of that line there is representation in abundance, on the west side a lamentable want of it—twenty or twenty-five places on the east side; five only on the west. Says the hon. gentleman, “What is the consequence? Such are the blessings of representation, that the eastern parts of Ireland are flourishing in prosperity, while the western coast is

languishing in decay." What then!—have the small boroughs in Ireland so effectually answered the object of their institution—are their members such watchful guardians of Irish interests, that the prosperity of Irish provinces varies directly with the amount of Irish representation? If this be so, it may be a good argument for adding to the number of boroughs in the west of Ireland, but it does not seem a very cogent argument for destroying the system with which the prosperity of the east has been interwoven. The solicitor-general for Ireland has greatly surprised me by attempting to shew, without the shadow of foundation, that the act of union with Ireland expressly contemplated a probable future variance in the proportions of the representation assigned by that act to the two portions of the United Kingdom. The fourth article of the act of union expressly declares, that 100 members shall sit and vote in the imperial parliament as the members for Ireland. I appeal, not to lawyers, but to men of common sense, whether the plain meaning and intention of this be not, that so long as 558 members sit for the rest of the United Kingdom, 100 members shall sit for Ireland. I do not question the competency of parliament to vary the proportions; if ten additional members would really benefit Ireland—would promote her peace and ensure her prosperity, for God's sake let her have them; but this I do deny, that the act of union has made any provision for the increase of the Irish representation, or contains a syllable from which the expectation of such increase, to the disturbance of the proportion fixed at the time of the union, could be inferred. The member for Boroughbridge was very facetious on the solicitor-general for Ireland; and, because he consents to the destruction of his own borough—the borough of Saltash—compares him to the incendiary of the temple of Ephesus, who was content, by any means, to secure notoriety for himself. Now, Sir, it appeared to me, that the solicitor-general was much more prudent than the incendiary. Three-fourths of his speech was a canvassing speech, addressed to the students of Trinity College, Dublin; and if the learned gentleman can effect his own return for the additional seat which the college is to acquire by this bill—what the member for Boroughbridge calls "the spirit of Ephesian destruction" will entail no great sacrifice; he can afford to set fire to the hovels at Saltash, if he can immediately afterwards take refuge in the more splendid edifice which this bill will construct for his reception. Sir, there is no part of the whole measure of reform which is pregnant with consequences so important as this remodelling of the constituency and representation of Ireland. I fear the result—and above all—I deprecate the time at which the experiment is made. Two years only have elapsed since that great change in the internal policy of Ireland was effected; and, before there is any sufficient experience of its practical operation, we are called upon to make another change, that puts to imminent hazard the securities we provided against the danger of the first. It is now beyond the control of parliament to remedy the evils which are, in my opinion, inseparable from the course which the king's government has pursued. In the completion of their measures, I see the utmost danger; and who is there that can look with satisfaction on the consequences of their rejection? Who does not see, that the moment the king's ministers have, with the king's sanction, denounced the constitution of this branch of the Legislature—have proclaimed the necessity of an effectual change—have invited great masses of the people to a share in the privileges and authority of government: who does not see, that, whatever be the abstract merits of the question of reform, the practical position of that question is materially altered? Still, Sir, I must compare the consequences of passing this measure of reform, with the consequences of rejecting it. It is with this measure as a whole, with which we have to deal—which we must accept or reject—but which we are not, it seems, at liberty, in any material respect to modify. If that be the alternative, I must reject it; for, with my opinion as to the ultimate effects, in this country and in Ireland, of the measures now under our consideration—I should, in the words of Mr. Fox, be "a traitor to my King, to my country, and to my own conscience, if I did not prefer the constitution to popular favour"—and if I did not protect the rights and interests of the people, when they are threatened by their own delusion and excitement.

After Lord Palmerston had spoken,—

Sir Robert Peel complained, that his noble friend had dealt unfairly with his argument as to the admission of copyholders to vote. When he enumerated the changes which the bill would work in the constituency, he referred to the admission

of copyholders in counties as one element. As to the argument he had used being against all reform, he should not enter on that question, but he repeated, that, seeing the difference of opinion between that House and the late ministry on the subject of reform, for though they were turned out on the Civil List, he believed there would have been an expression of opinion on the subject of reform, which would have made it very difficult for them to have carried on the government, as the new ministry was formed on the principle of some reform, he (Sir Robert Peel) said, he was prepared, as an individual, to make a compromise on that subject, and to support a measure of moderate reform, if such had been introduced. After the course taken by the ministers on this subject, however, the position of every man was changed. [*The right hon. baronet was here interrupted by cries of "Spoke, spoke."*] He did not mean to trespass further on that courtesy which permitted a member to explain, than merely to guard against wrong inferences being drawn from what he had said, and to prevent sentiments being ascribed to him which he had never professed.

THE REFORM BILL.

MARCH 25, 1831

On the motion that the Speaker leave the Chair,

SIR R. PEEL took the liberty of calling the attention of the noble lord opposite to matters of detail connected with the Reform Bill, which involved considerations of very great importance. For the purpose of his argument in this case he would assume, that the principle was perfectly correct, and he would assume that it was expedient, to disfranchise sixty boroughs, and take away the privilege of returning one member from forty-seven, that the right might hereafter be transferred to places of greater population. But, supposing that he admitted the principle to be a proper one in itself, he was sure the noble lord would agree with him that the principle ought to be applied in a manner conformable to justice, and he thought it was of extreme importance, before the House went into a committee, that they should guard against doing an injustice, which manifestly would be done, if the disfranchisement were made to fall on places of a larger population than others that were not disfranchised. He was sure that the position which he had laid down would be acquiesced in, both by the friends and opponents of the bill. One of the returns on the table contained an account of the population in the different cities and boroughs in England, and, amongst others, of those which it was intended wholly to disfranchise, and of those from which one member was to be withdrawn. The return professed to be a return of the population in each city and borough; but he apprehended that it was not. In some cases it was a return of the population of the parish in which the borough was situated; and in other cases it was a return of the population, not in the parish, but in the borough. It was quite clear that the House ought either to take the population in the parish or in the borough, and apply the rule indiscriminately to all places. He need not demonstrate the inconveniences of applying the principle in one case, and not applying it in the other. Take the case of the borough which he represented, with respect to which it was evidently a duty he owed to his constituents, to prevent the application of an unjust principle towards them. The parish in which Tamworth was situated contained 7,500 inhabitants. That part of the parish within the jurisdiction of the borough did not, in 1821, contain more than 3,500 inhabitants; therefore, according to the schedule of the bill, Tamworth would be deprived of one of its representatives.—Take the case of the borough of Bridgewater, or take the case of the borough of Calne. Calne appeared to contain a population of 5,600 inhabitants; and if the limits of the borough were identical with the limits of the parish, Calne ought not to be disfranchised; but if the limits of the borough were smaller than those of the parish, and it contained less than 4,000 inhabitants—it did not contain more than 3,500—there was no just principle upon which Calne should be protected and Tamworth disfranchised. Without himself moving for any returns, he would suggest to the noble lord opposite, that the application of the principle should be made consistently with perfect justice, and he would therefore advise the noble

lord immediately to procure returns which would show what the population was in each parish and each borough. It appeared on the face of the return, that the parish of Bridgewater was co-extensive with the borough, but that only one-third part of the parish was entitled to vote for representatives. Thus, although Bridgewater had 5,000 inhabitants, as far as the parish was concerned, yet, as far as the borough was concerned, he strongly suspected there would not be found 4,000 inhabitants within its limits. If this principle were applied to every borough, it would be found that in many there was no cause for disfranchisement.

APRIL 13, 1831.

In a discussion which arose out of the presentation by Mr. Western, of a petition from Essex, in favour of the Reform Bill,—

SIR ROBERT PEEL said, he thought, that as it was now Wednesday, and the Reform Bill stood for commitment on Monday next, it was important for all parties to know the course which government proposed to take. In particular he should like to know whether it would be proposed to make any addition, beyond the number, contemplated originally in the bill, of members to Ireland and Scotland. If that were the case, he hoped the representatives of England would not permit themselves to be betrayed by a false liberality to acquiesce, without the fullest consideration, in any proposition prejudicial to England. He wished, therefore, to know, whether the additional representatives were to be distributed among the three parts of the United Kingdom; and whether, while proposing to make an addition to the representation of Ireland and Scotland, that opportunity was to be taken to deprive England of fifty or sixty members, which it was now entitled to send to parliament? Both these questions involved considerations of the greatest importance, which ought to be reserved for separate discussion. He understood ministers had discovered, that in the original schedules, some errors were made with respect to particular boroughs, which did not fall within the principle of the bill, but which would be disfranchised if the returns on which those schedules were framed were strictly adhered to. Would the noble lord now state whether he intended to admit the population of parishes as a test by which this disfranchisement was to be regulated; and next, whether government proposed to take the sense of the House by a division on the question of the reduction of the number of the English representatives? What he understood the noble lord (Lord J. Russell) to have said the other night was this—that he did not mean to restore the proportion between the representation of the different kingdoms established at the time of the union; that he intended to increase the number of representatives returned by Scotland and Ireland; yet, finding that there was a strong feeling in the House adverse to the reduction of the number of the English representatives, he proposed not to restore the schedule A. or the schedule B, but to make up to England the present amount of representatives in some way or other. He, and he believed every man in London, had so understood the noble lord. Gentlemen now proposed to correct the errors in the schedules A and B, and the correction of those errors would of itself tend to restore to England some portion of the representatives; and by that arrangement there might probably remain to England forty members less than at present. Now, he wished to know, whether that was a question on which the House was to be called upon to declare its opinion by a division? He also wished to know whether it was proposed to enter into the consideration of all these important questions on Monday next; on which day the House was to be informed, for the first time, of the names of several places to which government proposed to extend the right of representation?

Lord Althorp having replied,—

Sir Robert Peel said, the bill was then a perfectly new one. It was a new bill, and on Monday next the House would be called upon, not to consider its principle, but to go into its details. By some towns it now appeared the privilege of returning members was to be retained; and, besides having to take this alteration into consideration, the House would also have, on Monday next, to determine whether a parish in which a given town stood, was a town parish, or country one. On Monday next, too, it would be proposed to give the privilege of returning members to a certain number of new places. Was it consistent with strict justice, that the

House should not have four or five days to consider those matters before it was called upon to agree to them? If after four months' deliberation, the government had proved to be fallible, was it not possible for the House to fall into error, if it should be called to decide on these important subjects without full time for consideration.

NEGRO SLAVERY.

APRIL 15, 1831.

Mr. Fowell Buxton moved the following Resolution:—"That in the resolutions of the 15th of May 1823, the House distinctly recognised it to be their solemn duty to take measures for the abolition of slavery in the British Colonies; that in the eight years which have since elapsed, the colonial assemblies have not taken measures to carry the resolutions of the House into effect; that deeply impressed with a sense of the impropriety, inhumanity, and injustice of colonial slavery, this House will proceed to consider of, and adopt the best means of effecting its abolition throughout the British dominions."

In the debate which followed, **SIR ROBERT PEEL**, rising after Dr. Lushington, said, that if there were any prospect of carrying into effect the resolutions of the hon. member for Weymouth, he could understand the speech of the hon. and learned member who had just sat down. But when the ministers said that the colonial assemblies must carry the measures of emancipation into effect, he could not understand how the hon. and learned gentleman could make a speech so full of vituperation, nor how such a speech could promote the object he had in view. He did not mean to vindicate the conduct of the colonial assemblies; he was not satisfied with the course they had pursued; but if it were true, that the time was not come when we could interfere, it was not prudent to indulge in such language, and to censure so heavily those who must continue the masters and legislators of the slaves. He thought that the noble lord (Althorp), whose moderation on this question had always been conspicuous, must have been much disappointed by the speech of the hon. and learned member, and still more disappointed by the speech of the noble lord who was the representative of the colonial government in that House. He certainly felt as much indignation at the atrocities which had been adverted to as any man, but he hoped that no feeling of compassion for the slaves would be suffered to pervert the cool and deliberate judgment of the House, and hurry it into actions that might be equally injurious to the interests of the slaves, the interests of humanity, and the interests of the planters. He entreated the House not to be too hasty in coming to any resolutions. Already they had experienced the inconvenience of pledging themselves as to some course in relation to the Abolition of Slavery to be pursued hereafter. He trusted that the House would be careful not to imitate the former plan, and would not adopt another resolution to be hereafter carried into effect. He called, therefore, on the House to refuse to express any opinion that night on either of the resolutions which had been proposed; one of which—that moved by the noble lord—a great many of the members had not heard read. It was impossible, indeed, that the House should with propriety express an opinion on those resolutions. He again conjured the House not to pledge themselves. He remembered, that last year he had refused to pledge himself upon a motion which had been made by the present Lord Chancellor, calling on the House to pledge itself to take the situation of the slaves into its consideration at an early period of this session, with a view to their speedy emancipation. But now the government, of which that noble lord was a member, declined to deal with the question, and proposed that it should be left to the House of Representatives in the Colonies. Nothing was so unwise as for the House to pledge itself to any course to be adopted hereafter, and he conjured the House to pause before it assented either to the resolutions moved by the hon. member for Weymouth or by the noble lord. He would ask, was the proposition of the noble lord even consistent with justice? The learned gentleman who last addressed the House (Dr. Lushington) had intimated to them, that the free civilized population were

ready to use their utmost efforts to compel the refractory whites to obey the orders of the government. He had told them that 70,000 persons—for such is said to be the number of the free-coloured population—were ready, with the aid of the army, to accomplish what was desired. Oh! he lamented to hear such arguments made use of in that House. He lamented to hear the appeal to mere brute force brought forward as one of the arguments to induce the House to give its assent to the proposition now before it. He asked again, was it consistent with justice to subject the sugar cultivated by the free-coloured population to additional duty, because the white legislature, over which they could have no control, refused to obey the resolutions of the government? Again, did the noble lord fully estimate the difficulties which stood in the way of his carrying the resolutions into effect? The noble lord might subject the estates of particular refractory proprietors to the duties of which he had spoken. That he (Sir Robert Peel) could understand. But was he sure that the legislatures which refused to obey the orders in council, were really so much under the control of the proprietors of estates who were disposed themselves to obedience? He had heard much of the iniquity of punishing the inhabitants of certain town-lands in Ireland, by compelling all to pay the fines which were incurred by the offences of a few; but certainly that iniquity would be fully equalled by the execution of the project of the noble lord with respect to the planters of the West Indies. The noble lord believed that he held a sufficient control over the planters, through the means of their avarice, when he threatened them with additional duties; but he might find there were more serious and more powerful passions to be conquered. He might find there was pride to be overcome. He might find there was a spirit of resistance to what they believed to be oppression, which would prove too powerful for their legislative enactments, and which would hamper the working of the most energetic resolutions. There was another absurdity connected with these resolutions, which the noble lord did not seem to have taken into consideration. Sugar was said to be the most profitable article of cultivation, as well as the most destructive to the life of the slave. What, then, would be the consequence of the duties which the noble lord proposed to place on that article? The noble lord laid a duty which amounted to prohibition on the refractory colonies, and therefore encouraged those which consented to comply with the orders of the government. What, he asked, would be the consequence of this? Why that the increase of the consumption would increase the labour for the purposes of supply, and the noble lord would give a premium which benefited the obedient planter, but inflicted additional labour, and, therefore, additional injury, on the innocent slave. Did the House know the ease with which the cultivation of particular crops was changed in the West Indies, and land which grew coffee could be converted into plantations for the produce of sugar? He would give them an instance of it. In the year 1817 the Isle of Mauritius produced only 96,000 cwt. of sugar; but in consequence of certain regulations, passed with respect to the admission of the produce of that colony, in three years afterwards that quantity was quadrupled, being, in the year 1820, near 400,000 cwt. Again, there was another objection to the resolutions. Every one knew there were certain commercial reasons, advantages and regulations, which made this country the *dépôt* for all the sugar supplied to the continent of Europe. Had the noble lord considered well the consequence of depriving this country of all that carrying trade, and making America the storehouse, and its shipping the means of transit, of all the sugar consumed throughout the world? These would be some of the effects of agreeing to the resolutions; and he therefore asked the House to ponder upon and consider them before they decided. Even if it should be considered just, to deal with the colonies in this manner, he thought that they should not pass the resolutions immediately, but give notice, on the contrary, to the colonists, that at some future time to be named they would impose such regulations on those which continued refractory. The noble lord, the Under Secretary for the Colonies, said, however, there were other plans behind this, and he had explained to it the terms of a document which was yet in the archives of the Colonial Office, but which was to be sent out to the colonies, and which their legislatures were to adopt, not in substance, but in every letter, not abating even one. His ears were still ringing with the declarations of the government on another great and important question? his ears were still ringing with the declaration that

the House must take the bill—the whole bill, and nothing but the bill. And yet schedule A had been altered, and schedule B had been altered, and other parts of the bill would doubtless also be altered; and were they then to be told that there was something behind these resolutions;—that in agreeing to them they were also agreeing to a document which they had not seen, of the contents of which they knew nothing, except from the noble lord's statement, and which might be doomed to similar alterations? Were they, he would ask, on such a statement, to adopt such resolutions? The noble lord said in substance, "I feel entire confidence that the document, which the House has not seen, but which is to be sent to the West Indies, and which the Colonial Assemblies are to be told they must adopt, under the penalty of having the Sugar Duties increased—I feel entire confidence, said the noble lord, that this document will have every support in the House of Commons." He must, however, say, that if there was any spirit in the House of Commons, they would reject that resolution, which was but the taking the first step in a course of proceeding of which the issue was to be the sending such a document to an independent legislature. He would say no more, but he would repeat, that, if the House of Commons had any spirit, it would refuse to adopt a resolution which was to be carried to such an extremity.

Several other members having spoken, and Sir Robert Peel having explained, the debate was adjourned.

REFORM BILL COMMITTEE.

APRIL 19, 1831.

In an adjourned debate of the Reform Bill Committee,—

SIR ROBERT PEEL said, that he rose rather for the purpose of bringing this discussion to a conclusion, for it seemed to him that the attention of the House was exhausted, and that nothing further could be said upon the subject, than to enter into any lengthened remarks on the measure which had then been so long under discussion. Delay, too, had this disadvantage, that it propagated itself; and if it were resorted to on this occasion it would only be resorted to again. He had purposely avoided rising immediately after the speech of the hon. and learned member for Waterford, for he was afraid that he might catch the contagion of the spirit of that speech. If he had caught it, he should only have done so from the temporary excitement of the debate, for he had not been habituated, with respect to that hon. member's country, to entertain the feelings that had pervaded his speech with respect to this country. He had a deeper and a better reason for feeling a strong interest in the prosperity of Ireland than existed in the mere circumstance of the union of the two countries. Six years of his early life had been passed in Ireland, and he entertained feelings of kindness towards it, and an interest in its prosperity, which he trusted would never expire. But where, he would ask—where was the man who did not feel that the interests of this part of the empire were involved in those of Ireland, and that any thing which impeded the prosperity of Ireland must react upon England; and that he who was sordid and mean enough to hope to gain an undivided advantage for this country, would hope it in vain, for one of the two countries could never procure a benefit at the expense of the other? While he listened to that speech, and to the sort of contest that had been excited with respect to Irish and English interests, he could not but draw a melancholy foreboding of what were likely to be the consequences of the subject-matter of this night's discussion. Why was it necessary that this question of reform should be mixed up with that of the relative proportions of the number of members? Why had the government abandoned the prescriptive number, and proposed to establish a different proportion in the number of members from different parts of the British empire. Why was it to be taken for granted in the argument, that the attempt to purify England necessarily involved a spirit of hostility towards Ireland? Could nothing be said, however strong might be their feelings, in favour of retaining the old number of representatives for England? Could nothing be said by them as Englishmen, in vindication of that measure, and yet avoiding that other difficulty which was not incidental to the question of Reform, of inflicting injury on Ireland? Since the time of Charles II. there had not

been any variation in the number of English representatives. Till this bill had been introduced, there had not been a complaint made on the subject of the relative number of members for England, Scotland, and Ireland. But this bill, or, if it were not carried, he feared even the bare proportion of it, would introduce these complaints; for the bill was a gratuitous assumption of a cause for their existence. Let this bill pass, and see the consequences of a departure from a prescription so long preserved. Discussions and comparisons of population would be constant. Not Ireland only, but every county in England, would be discussing the principle of the bill, and asking whether it were fairly applied or not. They would not be contented with the population returns of 1821. It was not merely in Ireland, but in every county and town in England, that this bill would be thus discussed; and the people would ask whether the principle on which it affected to go, had been properly applied? If, as the hon. member for Waterford supposed, the number of members was an indication of the prosperity of the country, and if as the noble lord said property was to be represented, why was not England entitled to ask for an increase in the number to be sent to parliament; why was not England entitled to ask it, not only for herself, with her increased manufacturing and commercial wealth, but with all her enormous colonies acquired since the last settlement of the number of representatives, and containing 100,000,000 of people? At least England was as well entitled to make the demand as either Scotland or Ireland. He regretted, that this subject had been introduced, that the government had proposed any departure from the proposition which the law had established and custom sanctified; and he feared that what he said would be the consequence of the introduction of such a topic. At the same time, if it were shown that the basis of the Union was founded on a calculation not fair, as between the two countries, though there was no other consideration for the change, he should be induced to consent to the increase for Ireland without a corresponding increase for England, though he would not consent to the same increase in England, without a similar increase for Ireland. He, for one, however, saw no reason for adding to the number of the members for Ireland. He did not, at the same time, agree in opinion with those who thought that the hon. and gallant General's proposition, if carried, necessarily precluded such an increase, for he saw no particular reason why the members of that House might not be increased, though he did not deny, that it would be inconvenient. It was therefore most unjust to accuse those who supported that proposition with hostility to Ireland. All which they contended for was, the maintenance of the present number of representatives for England, which was surely not unreasonable. The ministers had at one time said, that they did not consider the question of number to involve the existence of the bill itself, but that, if the sense of that House was in favour of the maintenance of the present number, they would agree to the opinion, and bring in a bill in accordance with it. ["No, no" from Lord John Russell.] Such at least had been his understanding of the noble lord's statement, and he had asked the noble lord if that understanding was right, and the noble Lord answered in the affirmative. Yet, after all this, the fate of the Bill was now made to depend on the present amendment. He confessed himself hostile to the bill, but he exercised a fair hostility to it. He was prepared to persevere in a fair and direct opposition to the bill. There had been a talk of conclaves. There not only had been a talk about it, but it had actually been a charge against them, and a charge of enormous delinquency, that the party who opposed the bill had met together to consider the means of defeating it. This was a strange charge, and if the present ministry could direct the course which their opponents should pursue, he would predict that they would be a much more fortunate ministry than any that had preceded them; but if they could do so, it would be fatal to the free discussions of the House of Commons. But it had been also charged against them, that those who composed the late ministry had formed a "strange union" with those who had voted against them on a particular question. What! was it a charge against them that they had united with the anti-Catholics; and was it meant that they should say to these gentlemen, there is an old grudge between us which must yet be kept alive? Surely it was not meant that they should act on such rules of conduct. If, however, it were meant that they should do so, he begged leave to assert his opposition to the principle, that men were not to unite together for the purpose of defeating a measure to which they were opposed. It had been asked why

he had not brought forward some other plan of reform according with his notions upon the subject? He did not intend to do any such thing, and for this among other reasons, that if he did propose any such measure, he should be taunted with framing a bill as a means, and with the view of getting back to office. He assured them most sincerely, that the charge would be most unfounded; for so much did he deprecate these changes of administration, and so highly inconvenient did he deem these changes, that he had stated some time since, there would be nothing more gratifying to him than to be able to support the ministry in some moderate change of the existing system. The noble lord opposite had said that there were but two authorities on this subject—Earl Grey and the Duke of Wellington. Certainly, after that declaration, he ought to be convinced that there was not an end of respect for the aristocracy; but he ought to be the more especially convinced of that fact when he was further told, that between these two authorities he had nothing to choose. But if it were true, that there were but these two opinions, he might even take that of Lord Grey; and he would ask, what was that noble lord's opinion at the end of last year? He was happy to take that opportunity of declaring, that no one had a higher opinion of the noble lord than himself, for none more sincerely esteemed that noble lord's ability and integrity; but what had that noble lord said at the close of the last year? Why, that the measure of reform which he desired was moderate, much more moderate than the present measure could possibly pretend to be. The Lord Chancellor, too, had then held the same language. He did not quote these opinions of those noble persons merely for the purpose of showing their inconsistencies, as the noble lord opposite had seemed to imagine. His own speeches, indeed, had been quoted in that manner, so that he seldom saw an hon. gentleman rising on the opposite side of the House to speak on this question, but his mind vacillated between the vanity of having his speeches quoted, and the fear of being taunted with inconsistency in what he had spoken. In fact, in most instances when hon. gentlemen on the opposite side rose to speak, he saw two volumes of the Parliamentary Debates open, the passages were marked down, and the volumes were handed up to the hon. member before he began. He believed that the speech he had delivered on the Catholic question was the foundation of many remarks in speeches made in the course of the present debate. There was, however, a great difference between the Catholic question and the Reform Bill. In the former, the matter admitted of a final settlement: it was a restitution, not a change in the constitution; but the Reform Bill admitted of no such settlement, and was a complete change of the constitution. With respect, also, to the 40s. freeholders, of whom so much had been said, he must observe, that the most ample compensation had been granted. The 40s. Catholic freeholders were compensated by their establishment upon a footing of equality with the rest of their fellow-citizens, while the Protestants received by the change the assurance that they would not again be overwhelmed by the influx of Catholic voters. But he repeated once more, that if he had the same proof of necessity, the same proof that the change of the nature of English voting was as requisite as the change which had been in Ireland, he should not hesitate to make the sacrifice. But having strong doubts as to the policy of the present measure, he could not consent to such a plan of confiscation. He did not see, either, that this measure equally balanced the different interests it affected. The ministers proposed to give an undue proportion of influence to the metropolis. By the present bill they gave no less than sixteen members to London and its environs. These members, who would always be on the spot, who could always consult their constituents, and support themselves by their opinions, would exercise in that House a power which no other sixteen members in it could possess. This arrangement was at least unfortunate. They followed the example of France, and gave to London that species of influence which was so unjustly and perniciously exercised in Paris. He was opposed to the bill on general principles. One of these was the uniform right of voting which it attempted to establish. All aristocratic influence was to be destroyed, while all democratic influence was carefully retained. The former object was accomplished by the extinction of the small boroughs. The latter was the whole aim and scope of the bill. The noble lord opposite had last night declared, that he did not wish to destroy the influence of the Peerage—that, in fact, he wished it to continue; and yet it was a charge made against him (Sir R. Peel) that he exercised

an influence in Tamworth. The only influence he exercised was that which the noble lord wished to see still enjoyed by the Dukes of Devonshire and Bedford. Would the noble lord deny the wish, or would the learned Lord Advocate, who now cheered so loudly, say to what he owed his present seat in that House, but to the influence exercised by a Peer in the borough of Malton? He was glad to find that such an influence would be maintained; but influence it was, and the influence of a Peer, of the venerable Earl Fitzwilliam, who could now exercise without obstacle his influence over that borough. Malton was now retained, but what was there to prevent, three years hence, the populous towns from interfering with the elective franchise of that borough, and declaring that it ought not to be placed in the same situation with themselves, for its claim was influenced by a respectable nobleman, whose character, as well as his property and wealth, had given him the power of purchasing their suffrages? With reference to the assertion, that there was no middle course between the opinion of Earl Grey and the Duke of Wellington, he must remind them, that the gentleman who now entertained that opinion, had not always held it, and that when the right hon. baronet opposite held a more elevated situation than he did at present [pointing to the post in the third row of seats on which Sir J. Graham used to sit], he had recommended the formation of a middle party of country gentlemen, who should check both the others in the extremes that either might possibly fall into. He now returned to the bill itself, to which he had the strongest objections; and first and chiefly, that it went to create a great change in the mode of voting, and thus decidedly altered the constituency of the country. The number of dwelling-houses in Manchester rated between £10 and £20 was 1,770, while those rated above £20 amounted only to 851; the amount of the assessed property in houses above £20 was £29,300, while the amount below £20 was £22,130; so that, according to the first proposition of the noble lord, the representation of Manchester would be placed entirely in the hands of the 1,770 £10 householders, owning only three-eighths of the property of the 851 householders above £20. He did not say that respectable voters would not be found, but he did say that superior intelligence and superior property would be overborne. To remedy some part of this obvious inconvenience, the noble lord now proposed that persons assessed to the rates of a place, though not resident, should be allowed to vote. How would this new plan operate as to Manchester? The assessed value of the dwelling-houses there was £51,000, while the assessed value of the factories, counting-houses, &c., was £240,000. According to the first proposition of the noble lord, the representatives for Manchester would be given to the £51,000, while the £240,000, because it belonged to out-voters, would be excluded from the right of giving any vote. The noble lord, however, had at length discovered his mistake, and, to use the expression of the Lord Chancellor, was now about to sluice the 2,621 voters with 4,500 non-residents. But after this alteration, of which the House heard yesterday for the first time, what became of the principle of the bill? He would not absolutely say that this was against the principle of the bill, but it showed the necessity of the ministry deeply considering the measure before they proposed it to the House. The noble lord concluded his speech by asking—and no doubt it was an important question—"Supposing, after examining this measure, you reject it, who will you find capable of governing this country?" He had heard the same question asked (though he believed in a different mode and tone from that adopted by the noble lord); but he had heard it said, "if we are incapable of administering the public affairs, at least we will render them impossible to be administered by others." But, surely, even in the mitigated sense in which the noble lord used it, it was a great objection to the bill, if it were to have this effect, viz., that those who consistently opposed it, and believed it, in its ultimate consequences, to be pregnant with ruin, had the alternative offered them by his Majesty's government, either to accept that which they believed to be radically wrong, or to be convinced that it had become impossible for others than the present ministry to conduct the affairs of the government. He should deeply lament if this indeed was the alternative. He knew not whether it was or not; but this he knew, that he saw no advantage in relinquishing the exercise of his deliberate judgment, or in yielding, against the dictates of that judgment, to the popular clamour on this bill, or in yielding to the infuriated menaces of that press which exerted in so degrading a manner the irresponsible

power with which it was endowed, and which, to make it wholesome or even bearable, ought to be exercised with the most scrupulous care. Besides, if he were to give way to those motives, what security had he that he must not persevere in the resignation of his own judgment and conviction to the same influence? His conscience, in acting on his own judgment, was at rest. He could not expect to gain any thing by the defeat of the measure. The bill interfered with no interests of his. Quite the reverse: for if it produced the effect which its friends ascribed to it, it would add to his influence in every county where he possessed any property. He, therefore, could not be influenced by those motives which he had heard ascribed—and, as he believed, most unjustly ascribed—to honest men, who had endeavoured, from the sincere convictions of their minds, to resist this measure as pernicious and destructive. What might be the consequences of the bill he would not say; but if it should prove prejudicial to the interests of the country, he should hold responsible for it, that ministry which had prepared the bill without due consideration of its importance, and by so doing, had reduced them to such a state of embarrassment, that they must either acquiesce in what they believed to be injurious to the constitution, or witness the melancholy prospect of the affairs of this realm being submitted to misrule and anarchy.

LIVERPOOL ELECTION—THE REFORM BILL.

APRIL 21, 1831.

Mr. Bennett having moved a resolution, with reference to the system of bribery and corruption which prevailed in the election of burgesses for the town of Liverpool, a discussion arose, in the course of which,—

SIR ROBERT PEEL observed, that, with respect to this question, as with respect to many of the questions in the important measure which had lately undergone so much discussion in that House, the House were acting, not politically but judicially; and ought not to decide without previous investigation. At the same time he was bound to say, that it appeared that there must be some enquiry on the subject. But why was there a variance between the resolution proposed by the hon. member for Wiltshire and the Report of the Committee? The report of the committee stated, "That it appears that there was gross bribery at the late election of burgesses to serve in parliament for the borough of Liverpool:" the hon. gentleman's resolution was, "That the system of bribery and treating which has prevailed at Liverpool demands the serious consideration of this House." Acting as a judicial body, they ought to adhere to the terms in which the report of the committee was expressed.

Mr. C. Wood said, he should be satisfied with that course.

Sir R. Peel said, if he should be satisfied that the bribery existed to so great an extent as was said, he would not be content to bring in other voters—he would disfranchise the whole body.

Later in the debate, rising after Sir John Newport, who had replied to Mr. M. Fitzgerald,—

Sir Robert Peel said, he felt himself called on to vindicate the course taken by his right hon. friend. That at an early period that House might be dissolved, was in itself a justification for those now expressing their opinions on the subject who had not before had an opportunity. He inferred from the silence of the noble lord opposite, that it was the intention of the government to risk that experiment, which he thought at the present time was fraught with danger, and might end in general tumult. He quarrelled not with the noble lord for abandoning the Reform Bill; if he thought there was such a degree of objection to the bill, and to the details as to preclude the further progress of the bill, he was a competent judge of the matter, and must be supposed to be right in his opinion; but he must regret the withdrawal of the measure on a motion which had nothing to do with its substance. In his opinion reform ought to be conducted on one of two principles—either that of maintaining the relative proportions fixed at the time of the Union; or, if that proportion were departed from, a small addition should be made to the number of the members for Ireland and Scotland, but the number of those for England ought to be re-

tained. These—if he concurred in any measure of reform—these would be the grounds on which his concurrence would be based; and these were the grounds on which the noble lord, now at the head of the government, proposed a reform in the year 1800. At that time Mr. Grey was of opinion that the number of the members ought to be reduced, and his plan of reduction was this:—He proposed to cut off several small boroughs, and in that way to reduce the number of members for England and Scotland, and to allot to Ireland eighty-five members instead of one hundred. Thus he proposed to retain the proportion between the members for the three countries on the same basis that had been fixed at the time of the Union—a basis determined by their relative wealth and population. Such a change might be desirable—to one more extensive, he (Sir R. Peel) certainly should object. He never meant to go into the Reform Bill for the purpose of improving its details, he was opposed to the bill distinctly, decidedly opposed to it—opposed to it because it was brought forward at a moment when expectation was most excited. If reform were desirable, it should be made a substantive measure, and be introduced under the existence of less excitement than at the present moment. He had, therefore, no wish to improve the details of the bill, and at the third reading he should most probably have been found expressing his dissent from the bill. That the ministers should give up the bill on a resolution that, in case of a reform, the number of the English representatives should not be diminished, was to him a thing the most unaccountable. If the government had determined to dissolve the parliament, he deeply lamented it, on account of the hazard to which he feared they would subject the country. He thought there was no justifiable ground for their coming to such a resolution. Because this question of parliamentary reform had been negatived, government felt it requisite for the proper administration of the affairs of the country to dissolve the parliament. In his opinion, the measure was not one of such imminent and immediate necessity as to justify them in coming to such a decision. He could, however, well understand the motives for pressing on the measure. It had been brought forward at a time of great excitement—an excitement shared by those who had in some measure created it. Let them look at the language of a publication conspicuous for the talent with which it was conducted, and supposed to represent pretty accurately the opinions of at least some of his Majesty's ministers. Let them read *The Edinburgh Review*, published in last autumn, and they would find there a reference to the "beautiful days" of Paris; and when they had seen this, let them say whether his impression were not correct, that some of the authors of this bill were sharers in that general excitement which had recently prevailed throughout Europe. He fully believed, if time had been given, that the reaction which had already begun in public opinion—he might say manifestly begun—would have extended itself over all classes, hardly excepting even those who thought they were interested in the success of the bill, as it would confer on them new privileges. But whether it were so or not, he thought that no administration ought to undervalue the opinions of those who had already solemnly declared that they could not give their assent to the bill. The wishes of the people had been talked of. When they talked of the people, they talked as if the people were to be numbered by heads, and they forgot the influence of wealth and education. It was impossible to deny—looking at the number who had spoken at the various public meetings throughout the country, and looking at the ability and the disinterestedness they had displayed—that there was great discordance in public opinion as to the merits of the Reform Bill; and he would assert that no man was entitled to say, that this Reform Bill met with that unanimous approbation which the government had said the introduction of that bill had occasioned. The bill was based upon no principle; but proceeded throughout its several enactments on a matter of assumption, several of its enactments being most arbitrary, yet they pretended that no other could be received in the country with any feeling but that of dissatisfaction. If the parliament was to be dissolved because this measure could not be carried, then many measures relating to the internal tranquillity of the country, and to its foreign relations which were requisite, would be postponed, or altogether passed over. There was, however, as it seemed to him, no immediate necessity for dissolving parliament. What was the pretext for it? Why, the ministers were afraid to keep alive and perhaps increase the excitement that now existed. They need not fear. It would die

of itself. A greater degree of excitement than the present had died out before. He had indeed heard complaints from the opposite side of the House that the people had become indifferent to the subject of reform, after they had manifested a desire for it in a greater degree than at the present moment. Let the events of Paris fade from recollection, and let the people of this country calmly consider the effects of these revolutions in Paris and Brussels, and he would venture to say that the excitement would die away, and then, at any future period, this country would be in a fitter state to consider of a proposition for amendment in the representative system; but, if his Majesty's government were prepared to advise a dissolution of the parliament, in what state would they put themselves by giving that advice? From the course the government had pursued, he did feel a strong confidence that, with regard to Ireland, they would have asked from the parliament a coercive measure, limited, of course, but still vesting them with more powers than they now possessed. He had not pressed them to ask for the Insurrection Act, for, after the experience he had had, he was fully convinced that nothing but absolute necessity could justify it. He agreed with those who said, that though that measure might sometimes produce the effect of tranquillity, it was yet a most unconstitutional measure; and wherever sentiments of a particular kind existed among the body of the people, and those sentiments were thought to create danger to the state, the remedy for that danger had better be intrusted to the usual administration of the laws, than be provided for in such a manner as to constitute the upper classes the judges of it. Indeed, to vest the power of decision and of action, at such a time, in the hands of one portion of the people, to be exercised over the rest, so far from diminishing discontent, though it might seem to effect a cure, left a rankling sore behind, and had a tendency to perpetuate the evil. Under such circumstances, he should rather suggest to the government the possibility of making some provision by which another tribunal could be instituted for the trial of offenders; but if the parliament were now to be dissolved, no such thing could be done. He rejoiced that the necessity for these measures did not seem to exist at present. He knew nothing of the state of Ireland but what he saw in the public papers, but what he did see, convinced him that the state of society in the western parts of that country was such, as no man could look at without a feeling of the greatest sorrow. It was to be hoped, however, that the permanent laws of the country, and the powers conferred on the government by some existing statutes, would be found sufficient, without its being expedient to add to those powers in any way. If, however, it should be found necessary to have recourse to extraordinary powers, they certainly ought to be effective. It appeared to him but a misplaced humanity to let discontent grow to a head, until no authority, but a large military force, or the operation of the Insurrection Act, was sufficient to put it down. He, having confidence that such a measure would have been produced without going too far, should, in that case, have lent his humble aid to the ministers who, in such a state of things, advised a dissolution of parliament, incurred a heavy responsibility. Was that all? What would be the immediate effect of the dissolution? The powers they already possessed would be extinguished: by that act which enabled the government to suppress illegal associations, it was provided, that the power thereby created should expire at the end of the present session of parliament. That session would be determined by the dissolution, and by the dissolution of parliament not only might all the evils of Ireland break out afresh, but the powers now possessed by the government would be put an end to, and it would be prevented from making a fresh application to parliament for additional powers.

On these grounds he deprecated the expressed intention of the government. He conceived that the dissolution of a parliament so lately assembled—which had executed so little in the public service—which had scarcely passed one measure worth recording—was not justifiable. He found on the journals of that House reasons assigned against the dissolution of parliament, which were so well worded, and were so applicable to past circumstances, that he should take the liberty of reading them, and with the view of ensuring more attention than was usually paid to written documents, he would state, that these were the resolutions put on record on the journals of that House, in 1807, by the noble lord now at the head of the government. They were resolutions condemning the dissolution of parliament. He called on them to weigh well the sentences of the noble lord. The resolutions were moved at the re-assembling of parliament in 1807. They were in these words: "That by a long experience of his Majesty's virtues, we well know it to be his Majesty's invariable wish, that all his prerogatives should be exercised solely for the good of his people." He had told them how much the words of these resolutions demanded their approval. He would now go on:—"That our dutiful attachment to his Majesty's person and government obliges us, therefore, most humbly to lay before him the manifest misconduct of his ministers, in having advised the dissolution of the late parliament, in the midst of its first session, and within a few months after his Majesty had been pleased to assemble it for the despatch of the urgent business of the nation. That this measure, advised by his Majesty's ministers, at a time when there existed no difference between any of the branches of the legislature, nor any sufficient cause for an appeal to his Majesty's people, was justified by no public necessity or advantage. That by the interruption of all private business then depending in parliament, it has been productive of great and needless inconvenience and expense, thereby wantonly adding to the heavy burthens which the necessities of the times require. That it has retarded many useful laws for the internal improvement of the kingdom."—He doubted much whether this could be truly said, indeed, of the present parliament, as he feared that no measures for the internal improvement of the kingdom had ever been introduced by the ministers; but the amendment moved by the noble lord went on to say—"and for the encouragement and extension of its agriculture, manufactures, and commerce. And that it has either suspended, or wholly defeated many most important public measures, and protracted much of the most weighty business of parliament, to a season of the year when its prosecution must be attended with the greatest public and private inconvenience. And that we feel ourselves bound still further to submit to his Majesty, that all these mischiefs are greatly aggravated by the groundless and injurious pretences on which his Majesty's ministers have publicly rested their evil advices; pretences, affording no justification for the measure, but calculated only to excite the most dangerous animosities among his Majesty's faithful subjects at a period when their united efforts were more than ever necessary for the security of the empire, and when to promote the utmost harmony and co-operation amongst them would have been the first object of faithful and provident ministers." These resolutions contained the general arguments on the question of dissolution at such a moment. There were, he repeated, no such circumstances as now called for a dissolution. He admitted the necessity of reform; but he again denied that it was an immediate and imminent necessity. He could not refrain from availing himself of this opportunity, the last he might have, of protesting against the contemplated dissolution, and of making his declaration that ministers by resorting to it, incurred, perhaps, a more serious responsibility than had been risked by any previous government.

PROROGATION OF PARLIAMENT.

APRIL 22, 1831.

The Speaker having taken the Chair in his full robes of office, and the House being crowded with members, Sir R. Vyvyan rose to address the House on the subject of the Reform Bill, and on the approaching dissolution of Parliament. After a time, calls to "Order," and much noisy confusion took place. After a long and

turbulent interruption the hon. baronet recommenced, and proceeded for some time; but, just towards the conclusion of one of his sentences, the report of the first gun, says the reporter, which announced the arrival of his Majesty, resounded through the House. It drowned the conclusion of the hon. baronet's sentence; and the cheers, laughter, and cries of "order!" which followed the succeeding discharges completely prevented our hearing the purport of the hon. baronet's observation. When the discharges of artillery were almost concluded, the hon. baronet sat down, and

Sir R. Peel, Lord Althorp, and Sir Francis Burdett rose at the same instant. The scene which followed was most extraordinary. Sir R. Peel was received with loud shouts, groans, laughter, and cries of "bar!" from the ministerial benches, responded to by cries of "order!" and "chair!" from those of the opposition. All the endeavours of his friends, aided on his part by most vehement action and gesticulation, having failed to obtain a hearing or to induce Sir F. Burdett and Lord Althorp, who on their part were not wanting in equal supplicating gestures, to obtain a hearing,

The Speaker rose, and after a long interval of confusion, and repeated cries of "shame!" succeeded in obtaining a hearing. The right hon. gentleman, evidently labouring under great emotion, said this was the precise situation in which he believed they were placed:—Sir R. Peel caught his eye at the conclusion of the speech of the hon. baronet, the member for Cornwall. Sir Francis Burdett rose at the same time; and on there being a call raised for a preference being given to Sir Francis, the noble lord rose, and moved, as he had a right to do, that Sir Francis Burdett be now heard. The question he had now to put was, that Sir Francis Burdett be heard, and on that question the right hon. gentleman (Sir R. Peel) had as undoubted a right to speak, as any other which could come before the House [cheers].

Sir R. Peel rose, with this decision in his favour, to address the House; but he was received with groans, shouts, laughter, and cries of "bar!" from the ministerial side of the House.

The Speaker, amid loud cries of "shame," again succeeded in obtaining a hearing. He observed, that when hon. members appealed to him, and called on him to lay down the rules of order, he thought they should do him the favour to rest satisfied with his decision as to the question before the House, and the question to be spoken to.

Sir R. Peel after some slight interruption, was then suffered to proceed. He said that the rules under which that House had acted for centuries were not, it would appear, to be the rules of a reformed parliament. The House had that day seen an example of a defiance of all regular authority, even from the place which was occupied by the ministers of the Crown. He did not complain of the dissolution of that House: he complained merely of the manner in which it was done. He did not, however, share the desponding feelings of his hon. friend the member for Cornwall. He had better hopes for England. He did not advise his countrymen to sit with their hands before them, patiently expecting the confiscation of their funded property. He had a proper confidence in the good sense, and intelligence, and just appreciation of character of the people of England; and he was satisfied, that if they united religiously in a just cause, and unite he knew they would, that there were no fears of a successful issue to that struggle into which they were about to enter. [*Loud cheers and groans, and cries of "bar!" and "order!"*] He would ask, was it decent thus to attempt to produce confusion, under the pretence of calling to order? If this were a foretaste of what was to take place hereafter, he might indeed, call on them to beware of a reformed parliament. He would tell them what they were about to establish by a reformed parliament. If they carried that bill which the ministers had proposed to them, they would introduce the very worst and vilest species of despotism—the despotism of demagogues. They would introduce the despotism of journalism—that despotism which had brought neighbouring countries, once happy and flourishing, to the very brink of ruin and despair. But, when he looked to Ireland; when he saw the state of society in the western counties of that kingdom; when he was told that rebellion had almost hoisted its standard; and when it was known that landed proprietors, well affected to the state, were left without the slightest protection to their property, and were compelled to move

their families into the towns, for the protection of their lives and properties from the marauders, who, in open day, threatened them with pillage and destruction—he confessed he could not call up words to express his astonishment and regret at the course adopted by the government. Instead of coming to parliament to ask for new powers and new laws, to vindicate the outraged authority of the government, the king's ministers, at such a crisis, and under such a state of society in Ireland, had come to a resolution to dissolve the Parliament, in order that they might protect themselves from that loss of power with which they were threatened. If the Crown were to be so easily influenced—if its independence were so far extinguished—it ceased to be an object of interest to enter into its service. He perceived, indeed, that the power of the Crown had already ceased. Ministers had, however, adopted this course to protect their places; and they held them with the established character, in the eyes of the country, of having, during the time they had been in office, exhibited more incapacity—more unfitness for the conduct of public business than was ever shown by any ministry which had attempted to hold power in England. They had been in office for some months, and not a single measure had emanated from them from the day they took office till that moment, for the benefit of the country. They had pursued the course adopted by all governments called liberal. They had tossed on the table of that House some bills—a Game Bill and an Emigration Bill—and after having established, with respect to them and other measures, what they called liberal principles, they abandoned them to their fate. What, then, was to be—

[The right hon. baronet was here interrupted by loud and vehement cries of “bar!”] He continued standing and speaking, when

The usher of the Black Rod appeared at the bar of the House, and said, “I am commanded by his Majesty to command the immediate attendance of this hon. House in the House of Lords, to hear his Majesty's royal assent to several bills; and also his Majesty's speech for the prorogation of Parliament.”

The Speaker accompanied by several members, left the House in obedience to the summons, and after a short absence returned to the House, and intimated to the members, that having been summoned to attend his Majesty in the other House, his Majesty was pleased to pronounce from the Throne a gracious speech, declaring the present parliament prorogued, with a view to an immediate dissolution.

The Speaker called the members round the table at which he took his seat, and read the royal speech to them as follows:—

“My Lords, and Gentlemen,—I have come to meet you for the purpose of proroguing this Parliament, with a view to its immediate dissolution.

“I have been induced to resort to this measure for the purpose of ascertaining the sense of my people, in the way in which it can be most constitutionally and authentically expressed, on the expediency of making such changes in the representation as circumstances may appear to require, and which, founded upon the acknowledged principles of the constitution, may tend at once to uphold the just rights and prerogatives of the Crown, and to give security to the liberties of the people.

“Gentlemen of the House of Commons,—I thank you for the provision you have made for the maintenance of the honor and dignity of the Crown, and I offer you my special acknowledgments for the arrangements you have made for the state and comfort of my royal Consort. I have also to thank you for the supplies which you have furnished for the public service: I have observed with satisfaction your endeavours to introduce a strict economy into every branch of that service; and I trust that the early attention of a new parliament, which I shall forthwith direct to be called, will be applied to the prosecution of that important object.

“My Lords, and Gentlemen,—I am happy to inform you, that the friendly intercourse which subsists between myself and Foreign Powers, affords the best hopes of the continuance of peace, to the preservation of which my most anxious endeavours will be constantly directed.

“My Lords, and Gentlemen,—In resolving to recur to the sense of my people, in the present circumstances of the country, I have been influenced only by a pater-

nal anxiety for the contentment and happiness of my subjects, to promote which, I rely with confidence on your continued and zealous assistance."

The Lord Chancellor immediately said :—My Lords, and Gentlemen ; it is his Majesty's royal will and pleasure, that this Parliament be prorogued to Tuesday, the 10th of May next, to be then and there holden, and this Parliament is accordingly prorogued till Tuesday, the 10th of May next. His Majesty then retired. The Commons returned to their own House, and the Peers separated.

After the return of the members to the House of Commons, all who could approach the Speaker, amid the confusion, shook hands with the right hon. gentleman, with the utmost kindness and cordiality.

FIRST SESSION

OF THE TENTH PARLIAMENT OF GREAT BRITAIN AND IRELAND; OPENED ON THE 14th OF JUNE 1831, IN THE SECOND YEAR OF THE REIGN OF WILLIAM THE FOURTH.

HOUSE OF COMMONS.

CHOICE OF A SPEAKER.

JUNE 14, 1831.

Mr. C. W. Wynn having moved that the right hon. Charles Manners Sutton do take the chair of this House, the motion was seconded by Sir M. W. Ridley, and unanimously agreed to.

The Speaker having duly acknowledged the honour thus again conferred upon him, Sir James Graham moved the adjournment of the House.

SIR ROBERT PEEL then said, in seconding the motion for adjournment, I trust, Sir, I may, without presumption, avail myself of the opportunity of joining in the expression of congratulation on your most honourable, because unanimous, re-election, for the sixth time, to the chair of this House. This is a dignity valuable to any man, constituting him, as it does, the first commoner in the country : but to you it is, I know, more valuable, as it enables you to continue that career of public usefulness, in which you have already so highly distinguished yourself. Sir, I congratulate you, not only on your re-election but on all the circumstances attending that event. I well remember, fourteen years ago, my right hon. friend by whom you were this day proposed, entering into an honourable competition with you for the chair ; and, although your competitor, prophesying, that if the House should select you for the high station, experience would justify their choice. Of this I am satisfied, that the same honourable spirit which induced him to utter that prediction renders him among the foremost to rejoice in its complete fulfilment. With characteristic diffidence, you have attributed the successful discharge of your duties to the co-operation of the House in your efforts. This declaration, however, although unintentionally, involves the highest compliment to yourself. For the co-operation of the House has arisen from their respect for your integrity, and from their admiration of the promptitude and justice of your decisions, the firmness with which you have enforced those decisions, and the courtesy which has deprived that firmness of all the harshness of character which might have diminished its effect. The able speeches which have been made by the right hon. and hon. gentlemen who have preceded me, render it totally unnecessary to dilate upon these points ; but I could not refuse myself the gratification of bearing my personal and public testimony to

your merits, and of offering my congratulations, not alone to you, Sir, but to parliament, that, assembled as it is under circumstances of peculiar difficulty and importance, is enabled once more to avail itself of the inestimable advantage of your services.

The House then adjourned.

ADDRESS, IN ANSWER TO THE KING'S SPEECH.

JUNE 26, 1831.

The speaker having read to the House a copy of the King's speech, on the opening of the Session, Mr. Charles Pelham moved an address to his Majesty, in answer. Sir J. B. Johnstone seconded the motion.

The Speaker having read the address, and put the question,

SIR ROBERT PEEL rose, and commenced by observing, that he had waited for some moments, in hopes some other gentleman would have taken the opportunity of expressing his sentiments, on the important topics adverted to in his Majesty's speech, and in the address proposed in answer to it. Such not being the case, however, and no gentleman having manifested his desire to address the House, he could not permit the discussion to pass by without making a few observations. It was a source of great satisfaction to him that he was enabled to concur in the address which had been moved and seconded. It was at all times important that the first meeting of parliament should be characterised by moderation, and the absence of an acrimonious spirit, which might be inferred by an unanimous adoption of the address. But if this display of unanimity were desirable at all times, it was peculiarly so at present; when it was above all things desirable, that the House should express its sincere loyalty and respect, in language in which no material division of opinion should be elicited. He rejoiced, therefore, unaffectedly, that his Majesty's ministers had so framed the speech and the address, that he could with perfect satisfaction acquiesce in the latter. If it had been proposed or intended to introduce into the address topics intended to extract a pledge from the House or to provoke a difference of opinion, he had no doubt that a different course would have been pursued. He was perfectly satisfied that his Majesty's ministers would, in that case, have given the House an opportunity of considering the nature and extent of the pledge it was called upon to make, by recurring to a practice which prevailed some years since, of putting the House in possession of the speech the day before the House was called upon to answer it by the address. Knowing that the noble lord, and the members of his Majesty's government, had constantly contended for the adoption of the practice to which he had referred, he was sure his Majesty's ministers would never call upon the House to enter into any pledge without giving it an opportunity of knowing the extent and nature of that pledge. He concurred in the propriety of that course which his Majesty's government had adopted in keeping the speech and the address as secret as possible, till they were promulgated in parliament; and he hoped they would follow this up by plainly avowing, that it was not in their intention to induce any member of parliament, by voting for the address, to pledge himself to any particular course to be hereafter pursued. Of course the speech and address divided themselves into the two great topics of the foreign policy and internal economy of our administration. There were many reasons which would induce him to abstain from entering into any discussion on the foreign policy of the country. In the first place, he had not that information before him which would be necessary to render his observations complete; and to him it appeared that the general state of affairs on the continent was such, that every well-wisher of his country must be most anxious to do and say nothing which would affect the maintenance of peace, and, of course, to avoid every discussion till the House were in possession of full and accurate information. In office and out of office that principle of maintaining peace should be looked to by every British statesman; and he (Sir R. Peel) should never cease to lament if any word escaped from him calculated to contravene the wise intentions in this respect of his Majesty's government. Another reason which prevented him from indulging in any observations on the foreign policy of the country was, the absence, the necessary

absence, of the noble lord (Lord Palmerston) who presided over the foreign department. He presumed it would be admitted, that it would be improper and inexpedient to enter into any discussion on foreign politics, during the absence of the noble lord, peculiarly responsible for the conduct of that department. If that were the case, it would be equally clear, that the House would continue subject to that inconvenience whilst the noble lord remained without a seat. If it were not desirable then to enter into any discussion on matters connected with a particular department, whilst the person mainly responsible for the conduct of it was absent, did it not strike every one how great an advantage it was to a government, to have the power of effecting the return of the responsible ministers of the Crown, and how inconvenient and injurious to the public service it must be, to have the discussion of the business of a particular department suspended until the head of that department were returned for some populous place; for in order to get into that House his noble friend (Lord Palmerston) now at the head of the foreign department, would hardly think it fitting or expedient to knock at some of the places named in Schedule A or Schedule B. No writ could, indeed, be moved for during a fortnight, and if his noble friend passed Friday next without knocking at Schedule A or Schedule B, he might be prevented from availing himself of the opening which they afforded, and find them closed against him. If his noble friend, however, should present himself at one of those inconsiderable boroughs to get returned, it would present some practical proof—looking to the workings of the system, and looking to the opportunity which those boroughs had hitherto afforded to the Crown to return the members of administration—that the existence of such a power of returning members was not altogether without its use. He could not help thinking that it would afford some proof, looking to the practical workings of the system, that the disfranchisement of those boroughs could not take place without warranting some apprehension that the government might find it difficult to carry on the business of the country. He knew it was said, that in future all ministers would be so popular that there would be no difficulty in getting returned for a populous place; but the deliberations of parliament often had reference to periods of great public excitement. In making these observations, he had no wish to anticipate the debate on the Reform Bill. What he had said arose naturally from the absence of the noble lord at the head of the foreign department, and, to give the best proof that his reference to this subject was not deliberate, he would at once relinquish it. He wished, however, then to observe, though he should not enter into the topics relating to foreign affairs, alluded to in the address, on the present occasion, that he should reserve to himself the right of doing so at some future period. He could not view the policy adopted with respect to Portugal and Holland—two countries which had been long the peculiar objects of British policy, without interest and anxiety. He rejoiced to see the great principle of non-intervention in the domestic affairs of foreign states steadily adhered to; but, at the same time, he rejoiced to see an exception to that great principle clearly stated in his Majesty's speech. Abstinence from all internal interference with foreign countries was perfectly right, unless when that interference was rendered necessary to preserve the interests of our own or of other countries. Many circumstances affecting the security and peace of other countries would justify a departure from the principle of non-intervention, and therefore he rejoiced to see the rule laid down with a proper exception. He rejoiced particularly at that part of the king's speech which related to Belgium, and said, "The most complete agreement continues to subsist between the powers whose plenipotentiaries have been engaged in the conferences of London. The principle on which those conferences have been conducted, has been that of not interfering with the right of the people of Belgium to regulate their internal affairs," because it abated the apprehension he must otherwise have felt at a recent interference on the part of France in the affairs of Portugal. He trusted a satisfactory explanation would be given on that subject—he expected as much from the present enlightened government of France, which having loudly protested against foreign interposition would not, he was sure, set an example of violating the rules it called on other governments to follow; but at present the interference to which he alluded seemed to come strictly within the rule of an interference in domestic affairs. From the conduct of the Portuguese government he could readily believe that the measures pursued might be

satisfactorily accounted for; but it now only appeared that the release of a French subject was demanded, who had been regularly tried and sentenced to be punished by a competent tribunal; and not only the release of the prisoner, but the dismissal of his judges. If a case of necessity were not established, this would appear to be strictly a case of domestic interference; and it was not because the king or the government of Portugal was unpopular that such a precedent was the less dangerous. The dismissal of the judges was demanded; and to justify such a demand, and prevent such a demand from becoming a precedent, he hoped a case of great emergency would be made out. With reference to the domestic policy of this country, the only topic alluded to in the king's speech which was likely to excite a division of opinion, was the reference to the question of reform. The address in answer to the speech, however, was drawn up in such a manner that any man, whatever might be his opinions on reform, could agree to it. He was warranted in presuming from this that government did not mean, in the slightest degree, to pledge the house on that question. On a proper occasion he should be prepared fully to state his opinion on that most important subject. He joined with the mover and seconder in hoping that it would be discussed with a moderation suited to the subject. At the same time he should be compromising his own opinion, and suppressing the truth, if he agreed with all the hon. mover and seconder had said relative to the circumstances attending the late dissolution of parliament. He did not mean to question in the slightest degree the power of the Crown to dissolve the parliament. He did not go the length of some men deeply versed in the principles of the constitution as to this subject. In 1807, Lord Holland quoted an opinion of Lord Somers, which went to prove that it was that great man's opinion, that it was almost illegal to dissolve a parliament during a session. The noble lord who quoted this opinion had not gone so far—he only quoted it to prove that there was a material difference between dissolving the parliament in and out of session. For his own part he did not go so far as to say that such an exercise of the prerogative was illegal, or even questionable. In point of right, he admitted that the prerogative was properly exercised; nay, he went further, he could well believe, that his Majesty's ministry, finding the bill they had introduced carried by the smallest possible majority, and, judging from that and the subsequent divisions, that the result would prove unfavourable to their opinions, had properly determined to resort to a dissolution to ascertain the sense of the people. Believing all this, and not questioning the right of the Crown to dissolve, nor the right of his Majesty's government to advise the Crown to dissolve, yet he did question the policy both of the time and the manner of the dissolution. He did not consider this a matter of light concern. Foreseeing the times that were approaching, in the event of a change in the constitution of that House, he felt that the time and manner of the dissolution had been, to say the least, most ill-chosen. It was incumbent on him to state his opinion on this subject, though it might be unpopular. He regretted that his opinions on this subject were unpopular; but no man attached to his country could always acquiesce in the opinion of the majority. Every man was entitled to entertain his own opinion, even though he held that opinion in common with but a small minority. He felt, therefore, that he should not be the less considered the true friend of his country, when he fairly avowed his opinion on the subject of the late dissolution. Admitting that, with their views, ministers were justified in recommending a dissolution, yet he repeated, that he could never see the necessity for adopting that measure at the time, and under the circumstances which then existed. What were the consequences of this measure at that moment? One consequence was, the remission of various taxes, without the authority of parliament, and solely on the authority of the department connected with the taxes. Those were precedents not of light importance. Those who differed with him as to the question of reform, and even as to the question of dissolution, would yet agree with him that such precedents, though sanctioned by a majority, were not the less to be dreaded. That the course adopted in this case was in accordance with the wishes of many, was an additional reason for calling the attention of parliament to the subject. Without the authority of parliament, the duties on coals, slates, and, he believed, on barilla, had been remitted [a laugh]. It might excite a smile, but such he believed was the fact, and if it were a fact that acts of parliament imposed those duties, and that a department of government had set them aside, he contended that it was not a light precedent in

these times of great changes. If the department had the power of appealing to parliament, and did not appeal, the precedent was still more important. He might be told that, in the case of coals, bonds were given to indemnify the government for the loss of duty, if parliament did not agree to the reduction. The retail dealer, however, sold on the presumption of a reduction of duty; and it would be impossible, upon any principle of equity, to call on the wholesale dealer to pay the duty. Now, as to the article of slates. It was well known that duties were often imposed on some articles with reference to other articles, and, therefore, it was injuring the interests of the dealers in some articles, to take off the duty on others without enquiry or discussion. Respecting all the duties remitted on the articles to which he had referred, he confessed he could not see the necessity of proceeding as the government had done—acting without any discussion in parliament, or any vote of approval by the House of Commons; and looking at such a course of proceeding, unauthorised by act of parliament, the least he could say of it was, that it was a dangerous precedent. His Majesty's ministers had no authority to remit these duties without the sanction of parliament, and, though he could not assert that the present instance was of itself pregnant with danger, it could not be denied that such a practice might lead to bad consequences, and it was the duty of his Majesty's ministers to take the first opportunity of doing away with the impression, that on future occasions such a course might be repeated. He hoped, therefore, that some step would be taken at the instance of his Majesty's government, to obtain the proper authority for the proceedings to which they had resorted, and to diminish, in some degree, the danger of the precedent which was furnished by their acts. That danger was not diminished by the reductions in question being popular. What security could the public creditor have for the payment of his dividends, if the ministers could dispense with the duties which the parliament had imposed? He (Sir R. Peel), thought that the remission of those duties ought not to be lightly passed over, if it had given rise to no other inconvenience than the bad precedent. There was another subject which he found himself equally called upon to blame, and that was, the dissolving of parliament without renewing the Act against Dangerous Associations. He would not say whether or not such an act were necessary, though the disturbances subsequent to the dissolution might justify such an assertion; but, if it were necessary to pass the act, it was equally necessary to renew it, when the disturbances which had given rise to it had not yet subsided. On that part of the subject, however, he would not dwell, because there was another part of more importance; and that was, that prosecutions which had been commenced on the authority of that act had not been carried into effect, and it was the duty of his Majesty's government, for this reason, if for no other, to apply for a continuation of the law, in order to carry these into effect. He had another complaint against the government of still greater importance, because the evil of which he complained was one which related, not only to the peace of Ireland, but to the peace of the whole empire. He thought it was peculiarly incumbent on the government, when such an important subject as the remodelling of the House of Commons, and the reconstruction of the representation of the people, was in agitation—it was particularly incumbent on them, as men to whom the best interests of the country were intrusted, and who were bound to look to its permanent welfare, to avoid any additional cause of excitement beyond those which, at this time, but too extensively prevailed on the subject of parliamentary reform. He must therefore say, that it was neither political nor just, nor consistent with truth, for ministers to tell the people of England, that they had advised his Majesty to dissolve parliament because the House of Commons had refused the supplies. One of his Majesty's ministers, at least, had declared this; and it had been repeated so often in other quarters, that there could be no doubt that the government had considered themselves justified in dissolving parliament on the ground that the supplies had been refused. A noble lord, and the right hon. baronet opposite (Sir James Graham), had told their constituents that the stoppage of the supplies was the cause of the dissolution. If this statement were consistent with fact—and he had no reason to doubt it—he would only say he would not complain of the statement, but he doubted the reasoning, because he believed his Majesty's government had determined to dissolve parliament before the vote was come to which was said to be the cause of the dissolution. He believed the fact was, that ministers

had resolved on a dissolution immediately after General Gascoyne's motion was carried, and he did not believe that the vote of the House of Commons had materially influenced or hastened their decision. A motion for an adjournment at one o'clock in the morning never could be construed into a fixed and premeditated determination to frustrate the plans of government. He had only to appeal to the hon. member for Middlesex, who night after night had moved the adjournment of the question on a vote of supply, without any intention on his part of defeating or thwarting ministers. If such, therefore, were not the fact—and on this point, he had no doubt—was it consistent for enlightened statesmen to throw an additional cause of excitement among the people, already so much excited? Now, he would state it as his opinion, that it was not the vote of Friday night that caused the dissolution, for the noble lord, the Chancellor of the Exchequer, in a letter written to some of his constituents, stated that the determination had been taken on Thursday morning. If such were the fact, the noble lord must admit that the vote of Friday night could not cause the dissolution, and that the government was to blame in creating an additional cause of excitement, by asserting that the House had refused the supplies. The two hon. gentlemen who had moved and seconded the address, had stated that the dissolution was received with unanimous approbation, and that the result of the general election was decisive of the feelings of the people. The hon. member who had moved the address had made a statement which he would not criticise too severely in so young a member. He had stated that seventy-two members for counties, and forty for populous towns, had distinctly pledged themselves for the Reform Bill of last session. Now, if this were the fact—if 112 members should persist in contending for that bill, and that bill only—he believed ministers would find themselves placed in rather an inconvenient situation. He would now direct the attention of the House to the wording of his Majesty's speech, and particularly that part of it which related to the Reform Bill. In that he most perfectly acquiesced, because it was a censure on the last bill, and a just compliment to the future bill. The words to which he referred were "confident that in any measures which you may propose for its adjustment, you will carefully adhere to the acknowledged principles of the constitution, by which the prerogative of the Crown, the authority of both Houses of parliament, and the rights and liberties of the people are equally secured." This he must regard as a severe rebuke to those who, in no unequivocal language, declared the bill would have the effect of diminishing the power of the Lords—who, in point of fact, said that the Lords had no right to interfere with the constitution of the House of Commons. This part of the speech he regarded as a compliment to the future bill, and a severe censure on those who held such language. He was the more confirmed in this when he compared the speech at the close of the session with that which had been just read. In the speech of last session there was certainly a good deal of similarity of expression on the topics of reform, though a material difference in one or two instances. He would read that part of the speech in order that the House might judge more correctly of the alteration which had been made. His Majesty then said:—"I have been induced to resort to this measure for the purpose of ascertaining the sense of my people, in the way in which it can be most constitutionally and authentically expressed, on the expediency of making such changes in the representation as circumstances may appear to require, and which, founded upon the acknowledged principles of the constitution, may tend at once to uphold the just rights and prerogatives of the Crown, and to give security to the liberties of the people." But the language of the speech of this session is of a more decisive character, and calls upon parliament to adhere carefully to the acknowledged principles of the constitution, by which the prerogatives of the Crown, the authority of both Houses of parliament, and the rights and liberties of the people, are equally secured. He did hope, therefore, that those important words had not been lightly or inconsiderately adopted; and that it was the intention of government to make some essential and important alterations in the bill of last session, which might render it more consistent with the constitution, the maintenance of which was not for the exclusive interest of parliament or the Crown, but also for the security and permanent welfare of the people. He was ready to admit, that the opinion which he had formed on the question of reform was different from that formed by the majority of the people; but that was no reason why he, and those who coincided in opinion with him, should

submissively give up their opinions to the opinions of the people. It was the duty of the representatives of the people not to be swayed by popular clamour, but to look prospectively to the future interests of the country; and it was equally their duty respectfully to express their opinions. If the minority were thus to give way to the majority, he was afraid that this would put an end to all discussion, and that such a deference to public opinion would only prevent them from performing faithfully those duties which they were bound to perform as representatives of the people. He was not, however, surprised at such an expression of public opinion, because he was certain that, if the same means were used on any question, the result would be the same.—He feared that the same consequences would invariably follow, in all times and places, when the questions referred to popular interests, and to that necessary control over the people which was established solely for their welfare and security. He feared, if the same indiscreet use of the first name in the country were resorted to on any occasion, that the same consequences would follow, and the more decidedly if the popular excitement should be directed against the institutions of the country. No one was more ready than he to admit that the country had been subjected to severe distress, and that, on account of long wars, and too lavish expenditure of public money, the springs of industry had been crippled; but he would caution those who represented the people, and who had some power in influencing their opinions, against turning their attention from the real cause of the distress to others which had no connection with it. They were but too much disposed to look with suspicion on any government; and it would not improve their opinion of the present government if they found in the end that they had been deceived as to the true causes of their distress. He would admit again, that the public opinion was contrary to his opinion; but still he would not give up his opinion, because he thought he was by the course he pursued, consulting the true and permanent interests of the community; and he doubted not that the time would come when the people, by experience, would admit that those who now entertained such unpopular opinions were not the least faithful or the least judicious advisers.

A long discussion ensued, but no amendment was proposed, and the motion in favour of the address was agreed to, *nemine contradicente*.

PARLIAMENTARY REFORM BILL FOR ENGLAND.

JUNE 24, 1831.

On the motion of Lord John Russell, the following sentence from his Majesty's speech on the opening of the session was read by the clerk,—

"Having had recourse to that measure, for the purpose of ascertaining the sense of my people on the expediency of a reform in the representation, I have now to recommend that important question to your earliest and most attentive consideration, confident, that in any measures which you may prepare for its adjustment, you will carefully adhere to the acknowledged principles of the constitution, by which the prerogatives of the Crown, the authority of both Houses of parliament, and the rights and liberties of the people, are equally secured."

Lord John Russell then propounded his scheme for Parliamentary Reform, and concluded by moving, in the name of the government, for leave to bring in a bill to amend the representation of England and Wales.

SIR ROBERT PEEL said, that his sole object in rising on the present occasion was to make a few observations tending, as he thought, to promote the convenience of the House in this discussion. He trusted that his so limiting himself at present, would not prevent him from entering more fully into the subject on another occasion, on the ground that the strict forms of the House would not allow him to speak to the question twice. He thought the noble lord wrong in supposing that this bill could be committed without a lengthened discussion, in which the sense of the House should be pronounced. The noble lord towards the conclusion of his speech, stated that he had answered the objections to which his bill is liable. But he trusted, that the noble lord would allow gentlemen upon that side of the House to state their objections themselves. At the same time he assured the noble lord and the House, that he had

no wish but that the measure should be fully and fairly discussed, both as to its principles and as to the manner in which it would involve the interests of this country. He was willing to have this discussion, and to take the sense of the House on the second reading of the bill. He remembered that in the last session leave was given to bring in the bill without opposition; and although there was no apparent alteration made in the bill, and he for one was prepared already to record his vote, yet he recollected that many members of the present parliament had not heard the former discussion upon the bill. Nor could he but bear in mind also that the subject of reform had been especially recommended to the careful attention of the House in the speech from the throne, which called on parliament to give it an early and full deliberation. He was willing to waive all opposition to the first reading of the bill, if that were the opinion of those around him. From the experience of the last session he was of opinion, that a debate, on which it is understood that there shall be no division, was productive of great inconvenience, and, therefore, as there was not now to be a division, he thought it much better that there should not be a debate. If they were now to commence a discussion, it might be protracted for six or seven nights, as before, without an object. Wishing the bill, for these reasons, to be then read, and discussed on another night, he would forego even the temptation to reply which the noble lord's sarcasms held out to him. He should allow all the sarcastic allusions of the noble lord to pass without notice, as any reply to his speech would lead to a discussion. He wished only to request, that if he were silent respecting the bill on that occasion, it should not be supposed that he concurred in any of the noble lord's conclusions from his arguments, or adopted his inferences from history. He thought that one free and full discussion on the principle of the bill would be sufficient previously to going into the committee. He spoke as an individual; but he would say, that nothing should hinder him from taking the sense of the House upon the second reading. As he waived all opposition to the first reading, he hoped the noble lord would allow a fair and sufficient interval to elapse before the second reading, so as to give the hon. gentlemen who now first heard the principles of the bill stated, time for full deliberation. The noble lord had thought proper to make a speech of two hours' length; he (Sir R. Peel) did not complain of it; but he thought that it showed the subject to be one which called for grave deliberation. He, therefore, hoped the noble lord would give the House an opportunity of complying with the recommendation of the Crown, by carefully considering the reform upon which they should decide. He hoped also, that before the House was called on to come to a decision on the bill to be read a first time that evening, they should be put in possession of the principal provisions of the bill for reforming the representation of Ireland. To that bill the noble lord, in his speech that evening, made no allusion. Although the Irish bill was not brought in during the last session till after the English bill was read a second time, yet the House was made fully aware of the changes intended to be made in the representation of that part of the kingdom. He did not mean to insist that all the details of the bill should be minutely explained; but he at the same time, thought it essential that they should be informed of the chief points of the Irish and Scotch bills, before they decided upon the English bill, which was in fact but a part of one whole subject, to complete which the other bills were necessary. The speech of his Majesty had not particularly directed their attention to the representation of England, but generally to that of the whole people, including of course Ireland and Scotland. If, therefore, the House would keep the promise to which the address now pledged it, to take the representation of the whole people into its early and careful consideration, the English bill could not be discussed until the House was in possession of the provisions of the Irish and Scotch bills. He did not desire that those bills should proceed *pari passu* with the English bill; but that they should be known to the House before it came to any conclusion or decision upon the latter. He concluded by expressing his hope that he had confined himself within the limits which he had prescribed at the commencement of his remarks, and by requesting the noble lord to name a day for the second reading of the bill, sufficiently distant to allow of full deliberation, and not too late for strict compliance with the king's recommendation, that they should give the subject their early attention.

Lord John Russell was anxious to do what the House wished, and would there-

fore propose, that the bill to be brought in should be read a second time on Thursday next. As to the bills for Ireland and Scotland, he did not think that it would be convenient to bring them in at present, considering the state of parliamentary business. The bill for altering the representation of Ireland would be submitted to the House by his right hon. friend the secretary for Ireland, and that for Scotland by the Lord Advocate, giving due notice of their intentions; and whenever his Majesty's ministers should see that the state of public business gave an opportunity for their introduction they would be brought in.

Sir Robert Peel had not supposed, that he could give rise to so much difference of opinion, by proposing that which he considered an amicable arrangement. He thought that the first thing to be looked for respecting a measure making in the constitution the important changes contemplated by his Majesty's ministers, was a minute understanding of all its bearings. If, therefore, the majority of the House agreed with him, he should propose, firstly, that the bill be read a second time on Monday se'nnight. If they began on that day the discussion might be completed, uninterrupted by Saturday and Sunday. He would also repeat his hope that the government, who must be themselves aware of their own intentions respecting Ireland, should not make them a secret to the House; because it was impossible fully to judge of the English bill, without knowing in what manner the representation of Ireland and Scotland would be adjusted. He wished to assure the noble lord, that when he made those remarks, he was prepared to enter upon the discussion without any preliminary acerbity of feeling.

After some remarks by Lord Althorp and Mr. Stanley, leave was given to bring in the bill.

TAXES ON THE PRESS.

JUNE 28, 1831.

In a debate which arose out of the presentation of a petition, by Mr. Hunt, from certain members of the working classes, of the National Political Union, in Marylebone lane, complaining of the restriction which particular taxes now imposed upon the liberty of the Press,—

SIR ROBERT PEELE said, he had heard, with great satisfaction, from the right hon. gentleman who filled the high situation of Attorney-general, so complete a denial of the doctrine of the hon. member for Middlesex, and the learned and hon. gentleman the representative of Kerry—that let what might be published, no law was necessary to check it—it might find its level by means of free discussion—all encouragements to blasphemy might pass unnoticed by the law, and that confidence might be reposed in the progress of public opinion. The right hon. and learned gentleman, his Majesty's Attorney-general, had said, that he never would consent that government should lose the power of checking such crimes by law, and of punishing the instigators; and he (Sir R. Peel) agreed with the learned gentleman in that opinion; as he also concurred in the opinion that the law on such occasions ought not to be called into operation too frequently, and without the exercise of great caution and circumspection. He protested against the extraordinary, absurd, and wicked doctrine held in these publications, and espoused by some hon. members, that in no case ought government to prosecute. The hon. member for Middlesex had said, that prosecutions in many cases made the fortunes of the individuals prosecuted, and that the fact of additional publicity being given to the original matter was to be considered; but the learned gentleman opposite, by availing himself of the Stamp Act, had effected his object without inflicting upon the public the mischief of giving publicity to the objectionable matter. It must be most painful to any officer of the Crown to appear to connive at such a person as Carlile and his infamous publications; but the Attorney-general had judged between the evil of perpetual prosecutions and of his apparent connivance, and he had been satisfied that more advantage was to be derived to the public from this apparent indifference or connivance, than from a series of improvident prosecutions. The publications alluded to were calculated to rouse the just indignation of society. When windows

were broken by a riotous mob, it was insinuated that persons adverse to reform had joined the crowd, and had effected the mischief, in order to cast an obloquy on the other party; and now that these infamous publications were set forth and acknowledged by the authors, up rose the hon. baronet, the member for Westminster, and insinuated that other parties were at the bottom of these works. The hon. baronet must be aware that the persons whose names were put to the publications were the authors of them. The hon. member for Middlesex had called himself the great advocate for the diffusion of truth and knowledge. He (Sir R. Peel) would agree, that constitutional knowledge was a very good thing; but when he heard this great advocate for constitutional knowledge inform the public of England that there was no difference between the Ordinances of Charles X. for suppressing the press, and the English Six Acts, he must confess that he had great distrust in those doctrines, and he could not expect that great benefits would result from a diffusion by the press of what this great advocate of knowledge might utter. He had thought the hon. member for Middlesex so wise, that he would have proceeded to advise the people of England to do something or other. He had expected that the hon. member would have excited the people of England to follow the example of the people of France, and to perform some tremendous acts; and he had felt greatly relieved when the hon. member contented himself with recommending them to chase the statutes from the statute-book. Did the hon. member, who had been selected as the representative of the intelligence of the metropolitan county, see no distinction between Acts of Parliament constitutionally passed, and formally ratified by the three branches of the legislature, and the Ordinances of Charles X. passed in defiance of the legislature, and in destruction of the constitution? He would recommend the hon. member to refrain from drawing parallels between what he appeared not to be thoroughly acquainted with. He should refrain from saying more until the whole question came regularly before the House, which he supposed it would; and he hoped that, in the meanwhile, it would receive the serious consideration of members. He did hope also that his Majesty's government would revise the opinion they formerly maintained—an opinion which they maintained upon less information than they might now be supposed to possess, being in office. He hoped, then, with their present information and with the knowledge which they must possess of the efforts which were now making to undermine the morals, religious faith, and loyalty of the country, they would not be averse from reconsidering the opinions maintained by them in 1819; and if, from their experience in office, they saw any reason to alter those sentiments, there was no man who would be so unworthy as to taunt them with inconsistency.

Sir Robert Peel afterwards, in reply to some explanatory observations by Mr. Hume, said, that the hon. member did not comprehend the French Revolution. The people of France did not rise for the purpose of supporting the liberty of the press—they rose against an illegal assumption of authority, under which Charles X. sought to destroy the independence and authority of the two Chambers of Legislature; therefore, the parallel drawn by the hon. member for Middlesex was most unjust. As to what the hon. member for Preston had said about the Acts in question being void, he would ask that hon. member whether he, in going from that House, would seek for no redress against assault and robbery, merely because the statutes punishing those offences had been enacted by an unreformed parliament?

TRADE WITH CHINA.

JUNE 28, 1831.

SIR ROBERT PEELE said, he rose to present to the House a petition upon a subject of very great importance; it was a petition from the British Merchants and traders who were resident at Canton. At the present period, when the commercial intercourse of British subjects with the possessions of the British Crown in India, and with the countries adjacent to them, was to be brought before the House, and to be regulated, the petitioners expressed an earnest hope, that the great interests which they represented would not be neglected or abandoned. The petitioners complained

that it was in vain to seek redress from the local authorities at Canton, unless they spoke in such a tone as only those armed with the sanction of the government at home could assume; and they added, that it would be needless to seek to influence the Chinese by an appeal to their judgments and notions of right and justice; or, indeed, to influence them through any motives not derived from their fears or their avarice. They stated, in corroboration of this assertion, that whenever the English had assumed a haughty and peremptory tone of menace, the Chinese had ceased to impose their exactions, and had afforded some redress; but that whenever we addressed them in a tone of mere remonstrance, the grievances of our merchants were sure to remain unrequited. In the several attempts which they had in vain made to obtain redress from Chinese oppression, the petitioners begged to state, that they had received the cordial support of the resident officers of the East-India Company, who, moreover, had facilitated as much as in them lay the forwarding of the present petition. The petitioners looked forward to the most beneficial results from the appointment of a resident British civil officer, in an ambassadorial capacity, or rather, perhaps, as a diplomatic agent at Canton, to whom the British residents might seek for redress at the court of China, for injuries to their persons or property, should parliament in its wisdom recommend such an appointment. In presenting this important petition, he would not himself venture to offer any opinion on the several topics to which it referred; the subject was of too complex and important a character to be lightly touched upon, and would be brought under the consideration of a committee to be expressly appointed (that evening, as he understood) to continue the examination commenced last session into the question of our East-Indian relations in all their bearings. Till the evidence of that committee were before the House, he thought all discussion on our East-Indian trade or policy would be premature, if not mischievous; and therefore he would studiously avoid provoking such a discussion on the present occasion. There were two points specified in the petition, which, however, he could not pass over in silence, as the petitioners laid great stress on them, as urging the expediency—indeed, necessity—of the diplomatic agent they wished to have appointed. By the law of China no difference existed, so far as punishment was concerned, between the crimes of murder and manslaughter; so that the murder of an Englishman was a matter of little moment in the eyes of a Chinese, apart from their general ill-treatment of all foreigners. Then the Chinese regarded every subject of the celestial empire who had departed from the bounds of the empire, as an alien and an outcast, who was *ipso facto* not entitled to any protection of the law—as one who had, in fact, forfeited every legal and political right. They regarded all foreigners as in the same way outcasts and aliens from their respective countries, and, as such, no longer within the protection of their laws. Under the influence of this erroneous impression, they oppressed these foreigners without remorse, shame, or fear; and, according to the petitioners, would continue to do so till we had disabused them by sending out a diplomatic agent as representative of the home government. The right hon. baronet concluded by saying, that he should refer the petition to the committee to be re-appointed that evening, trusting that from its great importance it would meet with its best attention.

The petition was ordered to be printed.

ABUSES OF THE PRESS.

JULY 1, 1831.

On the question, that the House resolve itself into a committee on the Customs Acts—

Sir H. Hardinge said, that seeing the hon. member for Middlesex in his place, he wished to advert to a subject which had been started a few days ago. It arose out of a statement, or opinion, given by the right hon. member for Tamworth (Sir R. Peel) that certain seditious and disgusting publications were the authorship of the parties from which they purported to have proceeded. The hon. member for Middlesex, on the other hand, had insisted that they were written by persons "in the enemy's camp"—that is to say, that the authors of them were men who there pro-

fessed opinions very different from the sentiments they really entertained. After some skirmishing, the hon. member for Middlesex had admitted, that what he had at first broadly asserted was only matter of suspicion. As he (Sir H. Hardinge) had said on a former day, if this suspicion were true, no punishment could be too severe for such a treacherous libeller; and without attaching too much importance to the matter, he might, perhaps, be allowed to ask the hon. member for Middlesex, whether he were able to substantiate the assertion, that the publication came from the "enemy's camp," or whether he were prepared to admit, that he had made an improper statement?

Mr. Hume was certainly not at all prepared to admit, that he had made an improper statement; on the contrary, he was prepared to re-say what he had said on the former day. After some observations from Mr. Hume, which Sir H. Hardinge treated as a most impotent explanation,—

Sir R. Peel observed, that, sated with the eloquence of the hon. member for Middlesex, he had left town, and had derived his knowledge of what passed on the last occasion chiefly from the ordinary channels of such information. He had been informed, also, that during his absence the hon. member had made something like an attack upon him (Sir R. Peel), although, when he was present, the hon. member had complimented him on his good-humour, which he professed he would endeavour to imitate. From the charge of connection, whether it were or were not intended to be made, he could not condescend to vindicate himself; and he would rather a thousand times be the object of such a suspicion than the author of it. That any man of common honesty or common sense would resort to such an infamous proceeding, it was impossible to believe. The accusation was so extravagant as to contradict and refute itself. He admitted that there were strong facts against him, and one of them was, the conclusive piece of evidence, that Mr. Lorimer belonged to the "enemy's camp" because he lived at the west end of the town. Of course, he could not be a true and sincere friend of the Reform Bill if he lived west of Temple Bar. But notwithstanding this fact, he could not condescend to vindicate himself from the suspicion. It was too much to make any set of men answerable for the misconduct of others, even of persons who might happen to take part with them, much less of those to whom they were opposed. The riots in Paris were attributed to those who were desirous of bringing back Charles X. By the same sort of inference, the breaking of the windows during the recent illuminations was said to have been committed at the instigation of the Tories. As to citizen Hetherington, he had never heard of that citizen, until his name was mentioned in the House by the hon. member for Middlesex himself. If the hon. member supposed that he (Sir R. Peel) alluded to Hetherington in his reply to the hon. baronet opposite (Sir F. Burdett), he was entirely mistaken. On the contrary, he thought that the hon. baronet was alluding to Carlile, and other persons of that description, whose names were more generally known than Hetherington's. What he then said was, that when the hon. baronet recommended that those writers should not be punished by the arm of the law, he ought not at the same time to shield them from the only other punishment which could reach them, that is, public indignation, to which they could not be insensible, if they were not destitute of every particle of good feeling. He would mention another instance of that kind of imputation of which he had complained. He found that there had, somehow or other, crept into the new Reform Bill a clause which became the subject of much animadversion, because it disqualified from voting all householders paying their rent quarterly. Well, he found that that unfortunate clause was also said to be the production of the secret enemy. But he had not been prepared to find any one going so far as to impute to any friend of his, or of those gentlemen who generally acted with him, a connection with the authors of the infamous writings alluded to by the hon. baronet.

PARLIAMENTARY REFORM.

JULY 6, 1831.

In the third day's debate on the motion for the second reading of the Reform Bill for England and Wales,—

SIR ROBERT PEEL, who was loudly called for, spoke as follows :—There is one advantage resulting from the present system of representation, which has not been prominently referred to in debate—I mean the advantage of ensuring to the minority its fair influence on the public councils. As this House is at present constituted, no opinion, however unpopular, is excluded; nor can any degree of public excitement and enthusiasm, bar altogether the avenues through which those who are uninfected by the prevailing fear, and are prepared to struggle against the current of popular clamour, can ensure access to the deliberations of Parliament—of that advantage I now avail myself—and as a member of that minority, ridiculed as a despairing, and denounced as an unpopular, minority, I claim the privilege of being heard with attention—a privilege which ought to be conceded with an indulgence proportioned to the comparative smallness of our numbers, and hopelessness of our cause. I am swayed by no motives of self interest to take my present course,—I have no borough to protect—I have contracted no obligation to those who possess that influence which the present measure is intended to destroy, and I am about to resist the wishes of a great and overpowering majority—backed by the support of an united government—and acting in conformity with the supposed opinions and wishes of the king. My opinions therefore—erroneous though they may be—cannot be influenced by considerations of personal or political advantage. While I have been listening to this debate, and have heard the cheers echoed and re-echoed from each side of the House, on the introduction of some topic involving personal allusions, or party criminations, I have more than once lamented that we allowed ourselves to be diverted by matters of such trifling concern, from the mighty subject of our deliberations, and that we forgot, even for a moment, amidst the excitement of party conflict, that we are occupied in the establishment of a new system of representation, involving in its issue the highest and most permanent interests of the country. That is the great question which I wish to discuss, and to which I would willingly confine myself. I rejoice that I did not follow last night the learned member for Calne, that I was not betrayed by the just provocation to bitter and acrimonious reply which that speech afforded, a speech commencing with pious exhortations to forbearance, with solemn inculcations of the necessity of temper and moderation, of the oblivion of all party interests and party resentments, but ending with a bitter philippic against the late administration, and taunts and insinuations directed against individuals who formed a part of it. Let the hon. gentleman select some other occasion for preferring his charges, and he shall then have our defence, and we shall expect some better proof than his mere unsupported assertion, that we have been the enemies of public liberty. I never made frothy declamations about liberty, but I deny that any act of mine violated that liberty, or diminished the security of its continued enjoyment. Why did the hon. gentleman, after preaching on the necessity of suspending, at least for the present, all party animosities, and enlarging and exalting our minds to a level with the great question of domestic reform—why did he select this occasion to institute an invidious comparison between the failures of the late, and the success of the present administration? All was confusion and discord under the late government! Under the present, says the hon. gentleman, there is universal tranquillity and contentment. I hope it is so. Painful as the contrast might be, in some respects, to the late government, I shall cordially rejoice if the hon. gentleman can prove, that his compliments to the present are well merited. But, in the absence of that proof, I protest against the justice of the learned gentleman's condemnation. This, and this only, will I state in my own vindication; that during the short period of the last six weeks—since the boasted restoration of tranquillity, long after the day star of reform had glittered above the horizon, many more lives of the king's subjects have been sacrificed in conflicts with the military and police, than were lost during the whole period of six years which I presided over the Home department. I blame not the

military nor the police, I blame not those who were compelled by necessity to resort to the last dreadful means of protecting the public peace; but it is too much to expect, with these undeniable and notorious facts, that I should acquiesce in the justice either of the hon. gentleman's satire or his praise. Ireland, too! The hon. gentleman takes credit for the restoration of peace in Ireland. Let him wait a few short days, and he will hear a proposal, founded on the disturbed state of Ireland, for increasing the powers of the government, and adding to the severity of the law. He may then discover, that when he shall be next appointed to chaunt the hymn of triumph over the predecessors of the present government—it will be well for him to omit the strophe which celebrates the tranquillity of Ireland. I turn from topics of this nature, into which I was compelled by the learned gentleman reluctantly to enter—and will confine myself exclusively to the great question before us. I propose to review the main arguments which have been, in the course of this debate, urged in its support, and to attempt the refutation of them when they rest either on unstable foundations of fact—or on conclusions illogically drawn from the premises. I will, in the first place, enumerate the arguments on which the chief stress has been laid—and consider each of those arguments consecutively in the order in which I place them. The main arguments in favour of the bill are these, first, that the time has arrived when we must correct those defects in our representative system, which have arisen from the lapse of time and change of circumstances—when we must abolish practices which are modern abuses, and must, in the terms of the speech from the throne, “resort to the acknowledged principles of the constitution,” for the purpose, not of capricious and arbitrary improvement, but of restoring that purer and better system which was originally contemplated, and at a former period actually existed. Secondly, that the House of Commons, as at present constituted, does not practically answer the ends for which alone a popular assembly is established—that it is in arrear of the intelligence of the age—and being less enlightened than the great body of the people, is not their fitting representative. Lastly, that whether theoretically well constituted or not, the House of Commons has lost the confidence of the people—that there is, whether it be rational or not, a demand for reform which cannot be resisted—that the question is one not of choice but of necessity—for that, without reform, the country will not submit to be governed. Before I consider these arguments, I wish to notice one preliminary objection which has been taken to any consideration of reform, in which I cannot entirely concur. It has been urged by some, that the elective franchise, whether corporate or freehold, partakes so much of the nature of property, that it is scarcely within our power to legislate regarding it. If well founded, this argument would dispose of the whole question; but to that extent I cannot concur in it. Whatever the hon. and learned member for Calne may think, I never contended that the elective franchise was of the nature of property. When the cases of Grampound and of Penryn were under consideration, I expressly claimed for parliament the right of taking away the franchise of the minority, if the majority were convicted of an offence which rendered the borough unfit to be trusted with electoral rights—I, who was a party to the disfranchisement of the forty-shilling freeholders of Ireland, could hardly think I was guilty of an act which amounted to a violation of private property. The disfranchisement of the forty-shilling freeholders was a measure necessary, but still greatly to be deprecated; and although I see a clear and palpable distinction between the individual right of an Irish forty-shilling freeholder, and a corporate franchise which has existed for centuries, still, if you establish the same overruling necessity for the forfeiture of the latter trust, I do not deny the competency of parliament to legislate. I must not omit to state, also, that I have on a former occasion admitted the great objection which I felt to any proposition for compensating the holders of borough franchises. I stated, that it appeared to me, that there was the greatest difficulty in the way of pecuniary compensation for the loss of a privilege of this nature; and, in the temper of the present times, it would be exceedingly difficult, I apprehend, to recognise any such principle. While, however, I admit the distinction between private property and the elective franchise, I must also say, that, if you take away this ancient privilege on any other ground than that of overpowering necessity, clearly established, you do shake the public confidence in the security of property itself. On every ground we ought to

be most cautious not to interfere, without an urgent necessity, and strictly to limit our interference to that necessity. First, we cannot interfere at all, without shocking those feelings of reverence and affection with which ancient institutions of government are naturally regarded, and which are more powerful than reason itself, in promoting habits of proper obedience and submission to law; and, secondly, by our interference we establish a precedent by which our franchises, which are equally distinguishable from property, may be exposed to hazard. What, let me ask, is the franchise of the peerage? That, too, is a public trust for public objects; and, if you deal lightly with corporate franchises which have endured for ages, for the sake of visionary schemes of speculative improvement you establish a precedent, by which, at no distant period, the franchise of the peerage, and even the prerogative of the Crown, being public trusts, and forfeitable upon similar reasons of supposed public improvement, may be attacked upon the same ground, and for the same reasons. Whilst I admit the distinction, therefore, between those public trusts and private property, I say that we should proceed with the utmost caution, and only upon undeniable proof of overruling necessity; and I rejoiced to hear the hon. and learned member for Calne state, that although he was among the foremost to contend for the taking away these public franchises, yet that none should surpass him in zeal in contending for the sanctity and inviolability of private property of all descriptions. But what is the danger to which that property is exposed? It is not the danger of absolute violence, of a tumultuous insurrection of the poor, in order to seize upon the possessions of the rich. The danger is, that certain descriptions of property, the existence of which is supposed to retard improvement, or to diminish the comforts of the many—may be, if not sacrificed, at least greatly impaired on some such suggestions as those on which we are now called upon to confiscate the elective franchise. We may console ourselves, however, with the reflection, that should such attempts be made, the learned gentleman will be the foremost to resist them; and if, therefore, any person shall be found, holding the situation of chancellor of exchequer who should, in breach of a solemn compact—in contempt of the clearest enactments of parliament, propose the violation of private property, by imposing an exclusive tax on the transfer of that property by the fundholder—I shall remind the learned gentleman of his promise, and rely upon his co-operation in strenuously resisting the robbery. I revert to the consideration of the arguments which I have before enumerated, as the main arguments relied upon in support of the bill. The first is, that there has been a gross encroachment upon popular rights—that nomination boroughs exist in defiance of the acknowledged principles of the constitution, and that we are adhering to those principles, by establishing a uniform system of popular election. This is the argument of the noble lord—I should rather say it was his argument—for nothing can be more marked than the contradiction of the speech of last March, and his speech in the present debate. In March the noble lord contended, that we might revert to some past period of our history, and there discover the universal recognition of the right of free popular election. He quoted the 34th Edward I., the statute *de tallagio non concedendo*. He attempted to prove, that taxation was illegal without the consent of the whole people, evidenced by popular elections. He said, there was a time when the House of Commons did represent the people of England, meaning, of course, in consequence of the exercise by the people of general suffrage; and his conclusion was, that if the Reform Bill be a question of right, right is in favour of reform. But what says the noble lord now? He assumes a position the very opposite of that which he before assumed, and absolutely cuts from under himself the ground on which he formerly stood. He now denies, that there was ever any uniform practice or right of popular election; he proves that nomination boroughs have always existed; and his argument is, not that there are any acknowledged principles of the constitution to which we can revert—but, on the contrary, that there are no such principles, and because there are none, we are at perfect liberty to make what changes we please, and to consult our own judgment as to the nature and extent of them. Now, let us keep these two questions distinct. It may be no reason for maintaining very limited rights of election, or nomination boroughs, that such things have always existed—but if they have always existed, you are not justified in exasperating the public mind by denouncing them

as modern corruptions, and as the recent encroachments of a rapacious oligarchy upon popular liberties and privileges. The noble lord now proves that they have always existed, and I repeat, that by that proof he destroys the foundations of the argument on which he before relied, namely, that he was about to restore a previously existing constitution, and that the people had a right to reform. Nothing can equal the success of the noble lord, in the establishment of his second position, and the consequent destruction of his first. He shows triumphantly, that it is nonsense to talk about the acknowledged principles of the constitution—that our system of representation conforms to no settled rules, but that it is the work of time and accident, and the varying circumstances of society. Says the noble lord, in the speech which he made in this debate—"It will be seen, that during this period there was nothing more irregular or less settled than the right of boroughs to send members to parliament." Now the period to which the noble lord here alluded is a very remote one, for it comprehends, I think he stated, 250 years before the reign of Henry VI. We have got the noble lord's admission, therefore, that for 250 years before the year 1420, nothing could be more unsettled than the system of representation. His second period extends from the reign of Henry VI. to the end of the line of the Tudors, during which period, says the noble lord, it was thought right that there should be some change in the constitution of the House of Commons. Of course we expected to be told, that the changes so made included the return of members for large, populous, and commercial places. But "no, no," says the noble lord, "it is a striking fact, that the great proportion of the boroughs summoned within this period were not large and prosperous towns, but, on the contrary, a great many of the small boroughs, particularly in Cornwall, were enabled to send burgesses to parliament; and of the total number of places now proposed to be disfranchised, of the fifty-five boroughs referred to in Schedule A, no less than forty-five were, according to the noble lord, created or restored in the reigns of the Tudors." The modern doctrines of reform, therefore, were evidently no part of the system of the Tudors, for they selected places to send members, many at least of which were the reverse of flourishing and populous. The noble lord mentioned another circumstance as a remarkable fact. He said, "I mention it as a remarkable fact, that the power of sending members was given to these boroughs by the Tudors, apparently rather with the intention and object, that the members sent should depend upon the Crown, than with any view of enlarging and improving the representation of the country." Well, then, is it not quite clear, from this statement of the noble lord, that these small boroughs are not modern usurpations by the Peers on the rights of the people, but that they did exist at an early period of our history? In confirmation of this position of the noble lord, I may refer to a very learned writer upon the constitution of this country, and one free from the possibility of any imputation of partiality—I mean Mr. Hallam, who, like the great majority of the literary community, is decidedly opposed to the present bill. Mr. Hallam says, that sixty-two members were added, at different times, for petty boroughs—that those members were under the influence of the Crown; and he adds, that "ministers took much pains with the elections for those boroughs; of which many proofs remain." Does not all this show, that the mode of conducting public business in this country in former times was not by the operation of three independent checks upon each other—the King, the Lords, and the Commons; but that at an early period the administration of affairs was carried on by a House of Commons in which both the Crown, and members of the House of Peers, exercised considerable influence—I say not whether it be right or wrong, that that influence should have existed. I am not arguing, that because it existed, therefore it must continue; but for this I do contend—that the fact of the existence of the influence cannot be denied; and that for the last 400 years the small boroughs have formed a part of the representative system. But it may be said, true, these places existed in former times, but they have decayed, and were anciently much more populous than they are at present. Now, this is not the fact; many of those boroughs are as large now as they ever were. With all his research on this subject, does not the noble lord know what appears with respect to Gatton, on the indisputable authority of the Harleian and Lansdowne manuscripts? In the reign of Elizabeth, Mr. Copley used to nominate the members for Gatton, in default of electors, the proprietor being a minor, and in the custody of the court of

Wards. We find too, that Lord Burleigh directed the sheriff to make no return from Gattton without instructions from himself; the instructions were, that the sheriff should cancel the return containing the name of Mr. Francis Bacon, and substitute that of Mr. Edward Brown, there being then no burgesses existing. Finding no precedents for this bill before the reign of Henry VI., and none in the reigns of either the Tudors or the Stuarts—the noble lord, with not very becoming exultation, relies on the authority of Cromwell. Cromwell effected a reform in the House of Commons, which received, says the noble lord, the sanction of Lord Clarendon. But does the noble lord recollect, that before Cromwell reformed the Commons, he had abolished the Lords? and does it follow, that the democratic assembly constituted by Cromwell after the extinction of monarchy, and after the abolition of the House of Lords, is a happy model for a House of Commons which is to co-exist with a limited monarchy, and with a House of Lords possessing co-ordinate authority? Perhaps, if Cromwell had so to constitute his reformed House of Commons that it should not usurp the functions of the other branches of the legislature, he might have been a more prudent and moderate reformer than the noble lord. There is, at least, among the panegyrics lavished on him by his admirers, one by Waller, which praises him for the caution with which he effected great improvements in the state, through the means of gradual and almost insensible change.

“Still as you rise, the State, exalted too,
Feels no disorder when ’tis changed by you:
Changed like the world’s great scene, when without noise,
The rising sun night’s vulgar lights destroys.”

But, said the noble lord, we have the authority of Lord Clarendon in favour of that reform, forgetting that Lord Clarendon was not then speaking his own opinion, but merely referring to a prevailing sentiment as to the changes made by Cromwell. I advise new members to distrust nothing more than quotations. When I hear Bacon or Burke, or any other great authority cited, I know that sometimes in the next page, and more frequently in the same, a passage might be found, which, if taken separately, might be relied upon as an authority for opposite doctrines. See, in this case, what is the real value of Lord Clarendon’s sanction of Cromwell’s reform. When Lord Clarendon comes to speak his own sentiments, we shall find he was not quite so complimentary. There were two parliaments summoned by the protector, founded on his new basis: the first sat for a few months, and, as will be the case with many reformed parliaments hereafter, I fear, did nothing. Lord Clarendon remarks of it, that “it spent its time in long debates and wrangling discourses.” Cromwell dissolved it in seven months, and called another parliament on the same principle, which lasted only three months; and when Lord Clarendon, who, according to the noble lord, is the greatest panegyrist of that reform, comes to speak of it in his own person, he uses these expressions:—“The parliament did not re-assemble with the same temper and resignation with which it parted.” “It quickly appeared how insecure new institutions are; and when the contrivers of them have provided, as they think, against all mischievous contingencies, they find they have unwarily left a gap open to let their destruction in upon them.” Such is the opinion of the philosophic historian, when speaking his own sentiments upon Cromwell’s notable reform. I have then, at least, as much right to claim Lord Clarendon as an authority against reform, as this noble lord can have to rely upon him as an authority in its favour. I think I have said enough on the first branch of the argument, and have, with the aid of the noble lord, proved, that the projected reform is not a restoration of the constitution; and that the House of Commons, as it now exists, is not a novelty and an usurpation. I approach now the second argument, which is in substance this—that whether the House of Commons as it at present exists, be or be not a novelty or an usurpation, still, that time has effected such changes in the fabric of society, that there must be corresponding changes in the form and mode of government; that nomination boroughs are odious to the people, that their existence is absurd in theory and pernicious in practice, and that you must widen the basis on which representation is hereafter to be founded, to the full extent proposed by this bill. Now I ask two questions connected with this point: first, where is the form of government ever existing, which has provided such security for the possession of property, and the enjoyment of rational freedom, as

that which you are about to disturb in one of its essential elements, *viz.* the constitution of the House of Commons; and secondly, what proof have you in the history of any country, that a popular assembly, formed on the principle of that uniform right of voting which you are about to establish, has practically co-existed with a monarchy and with an aristocratical body, with powers and functions like the House of Peers. It is only now, since the Revolution of July, that France is about to make a similar experiment. At no former period since the downfall of her absolute monarchy, has there been a Chamber of Deputies directly returned by an individual right of voting. Up to this time, as was truly said by the noble lord, the member for Wootton Bassett, (Lord Porchester) in the ablest first speech which I ever heard delivered, there have been breakwaters against the vehemence of popular opinion. When the national assembly was constituted, it was not returned on any such principle as that of uniform and equal right of voting. A complicated system of election was devised, founded on three bases—geographical, arithmetical and financial, the basis of territory, the basis of population, and the basis of contribution. The assumption of such basis may have been an absurd one; but two out of the three bases were nevertheless assumed, for the express purpose of controlling popular opinion, and of preventing intelligence and property from being overwhelmed by numbers. How can you hope permanently to preserve the free action of two such authorities in the State, as a limited monarchy and an hereditary peerage, if you make the popular assembly the immediate uncontrolled organ of the public will; if you devise no means by which property can exercise a proportionate influence in the election of that popular assembly, but give an equal right to the poorest class of electors, with that you give to the most wealthy? What is the result of this first experiment made by France, of that principle on which we are about to act? France has very recently adopted it—what is the consequence? Why, that the men who headed the Revolution of last July are already become unpopular; their doctrines are too moderate for those of the present constituent body; and in almost every election, they struggle with difficulty against men avowing more democratic and republican opinions. And yet, with this example before us, we are pressed at this moment to adopt the same system as that adopted by France—the same in respect to its uniformity, but much more popular and extensive in respect to the numbers by which the right of voting is to be exercised. It is triumphantly asked, will you not trust the people of England? Do you charge them with disaffection to the monarchy and to the constitution under which they live? I answer, that without imputing disaffection to the people, or a deliberate intention on their part to undermine the monarchy, or destroy the peerage, my belief is, that neither the monarchy nor the peerage can resist with effect the decrees of a House of Commons that is immediately obedient to every popular impulse, and that professes to speak the popular will; and that all the tendencies of such an assembly are towards the increase of its own power, and the intolerance of any extrinsic control. Among the great majority to whom I find myself reluctantly opposed, I cannot help thinking that there are many who, as the excitement is subsiding, are casting a long, lingering look behind, at the ancient institutions of their country, and doubting whether or no there is any such paramount necessity to justify us in incurring the danger of this immense change. I heard, the other night, a quotation from Cicero, made use of by a right hon. member whom I do not now see in his place (Sir James Mackintosh). That hon. member, in the course of a very long and very animated speech, did me the honour, in quoting the opinion of Cicero, in favour of making accessions to the popular power, to suppose that I might have been familiar with it. I did think, notwithstanding that my classical recollections are impaired somewhat by political occupations and public duties—I did think that there were, in the admirable treatise from which that quotation was extracted, some other expressions of a totally different character—some splendid lessons with respect to the principle of changes in established governments, from which, even now, after the lapse of so many centuries, we may derive benefit. I was pleased to see the hon. member drawing political knowledge from a mine so richly stored—I was pleased to see him shedding a light upon our discussions, which he drew from so bright a fount. I repeat with respect to himself, that generous wish which he expressed with regard to Mr. Burke:—“Long may those studies be the solace of virtuous and venerable

age." The right hon. member will excuse me if I refer to that very treatise, ay, and to some expressions immediately preceding the very passage he quoted, and attempt to extract from the writings of Cicero a salutary caution. They contain a tempered and very dignified reproof of the haste in which changes in forms of government are sometimes determined on. Cicero condemns the injustice of looking only to one side of the question, and observes to Quintus:—"Vitia quidem tribunatus, præclare Quinte, perspicis. Sed est iniqua in omni re accusanda, prætermisiss bonis, malorum enumeratio, vitiorumque selectio." Now, Sir, let me comment upon that text. Cicero, it seems, was not for condemning institutions rashly, nor was he an advocate for an enumeration of the faults, *prætermisiss bonis*, of any form of government. "Nam isto quidem modo," he continues, "vel consulatus vituperabilis est, si consulum, quos enumerare nolo, peccata collegeris." Yes, says Cicero, if you adopt this course, no institution will be safe. So I say in the present instance, with respect to the small boroughs and the influence of the peerage: who can doubt that if the government will join with the press in condemning them, unlearned minds—minds unacquainted with the real fact—should madly adopt the censure; nay more, if the absurdity of hereditary legislation should be asserted; if it should be denied, that this prerogative is justly exercised by men who inherit the right from their fathers, without any necessity of personal qualification on their part, a ready assent will be given to such doctrines. More just is the calm observation of Cicero:—"Ego enim fateor in ista ipsa potestate inesse quiddam mali. Sed bonum quod est quaesitum in ea sine isto malo non haberemus." I cannot defend the sale of boroughs—I am not ignorant of the exercise of absolute nomination, yet I am not certain that it will be possible to eradicate these defects, without depriving the country of good that more than counterbalances the evil. Let us act, Sir, upon these maxims of caution; and not, in our too great eagerness to eradicate defects, upset the constitution, which has ensured to the country more happiness and more liberty than any other has ever enjoyed. The learned member opposite (Mr. Macaulay) has contended that the House of Commons is unfit for the purposes for which it is intended. He asserts, that we have consulted the interest of the tax-consumer before that of the tax-payer—that we are in arrear of the intelligence of the age—and, being undeserving of the representative character, that we must submit to extensive reformation. But, Sir, I deny the fact—I deny that the House of Commons, as at present constituted, neglects its duty, or has become incompetent to perform the functions of a legislative assembly—I deny that it is in arrear of the intelligence of the age; and if I do not prove, to the perfect satisfaction of every unprejudiced mind, that the specific charges brought by the learned member against the conduct of the House, are utterly unfounded, I will consent to abandon the whole of the case at once, and go to the second reading of the bill. The first charge is, that we have not laid taxes upon property, but have imposed them upon articles of consumption which press upon the poor. But what were the circumstances under which the Property Tax was removed at the close of the last war? The government was desirous of maintaining that tax—they did, in fact, all in their power to maintain it; but in spite of every effort, it was removed by this House, in consequence of the petitions of the people, demanding its repeal, and charging the House with gross neglect of its duty if that tax were suffered to exist. No less than 400 petitions were presented to the House, to induce it to take off that tax, and, in consequence of those petitions, it was removed. What was the motive for the repeal of the beer duty? Did that repeal show indifference to the comfort of the poor? The complaint is, that we acted too precipitately in the repeal of the duty; and that, in our eagerness to promote the present comfort and enjoyment of the poor, we have overlooked the checks on intemperance and immorality. What pretence is there for saying, that the House is in arrear of the intelligence of the age? Is that charge supported by the conduct of this House on the question of the currency? Or was this House in arrear of the intelligence of the age, when it passed those laws of commercial intercourse introduced by Mr. Huskisson? If the House of Commons had been a reformed House, elected as now proposed, is there any one who believes that those laws could have been enacted? The Catholic question, again, showed that the House of Commons, in consenting to remove the Catholic disabilities, was not in arrear of the intelligence of the age; and

I ask again, if the new House of Commons had existed at the time of the passing of that bill, whether there is a chance that it would have been carried? In that pamphlet which has been so often quoted—*Friendly Advice to the Lords*—it is admitted, that the Catholic disabilities were removed against the opinions and wishes of the great majority of the people, of the majority of that very class of voters which you are now about to create. Again, the test and corporation acts were repealed against the wishes of the people. [*No, no.*] Well, I will not rely upon that fact; but at least the Catholic disabilities were. That measure is admitted on all hands to have been passed contrary to the opinions and feelings of a great majority of the people. And if this be the fact, it is rather hard at one time to charge the House of Commons with exceeding the liberality of the people, and acting in contradiction to their feelings and opinions, and at another to represent it as less enlightened and less liberal than the people, and to urge such contradictory statements as grounds for a reform; and the learned gentleman says, that the country has been governed so well, that we must have a House of Commons capable of governing it better. This sentiment has met with the applause of the other side of the House, and on it they would build such great and dangerous innovations. It amounts to this, that without parliamentary reform, for the space of 400 years, there has been so elastic a principle of improvement in the government, such a power of accommodating itself to the spirit of the age, and to the circumstances of the people, that this country has been governed better than any other country on earth has ever been governed. Having effected all this, it becomes necessary to do—what? I should have thought, to adhere to a system which had produced such immense benefits; but no—the inference is the very reverse; in these days of illumination, the just conclusion is, that you ought to upset and destroy that system altogether. The member for Calne says, that looking through the whole habitable world, contemplating society as it now exists in every quarter of the globe, nay that ever since civil institutions have been formed by man, he cannot find any society so perfect as that of England, so far as concerns the development of intellect, the improvement of science, the cultivation of the land, the enjoyment of liberty, or the protection of property. But, adds the hon. gentleman, although all this be true, there are certain defects, which are of such a nature and extent as completely to justify a total change in the representative system. And what are these great defects which require the hazarding of every blessing, for the chance of correcting them? Why, first, there is the state of the penal code; next, the bottomless pit of chancery; and thirdly, in this flourishing and happy country, a new system of representation is necessary, because there is a cumbrous legal process of fines and recoveries. Oh, Sir, I am sick of the miserable pedantry which urges, that in consequence of such petty defects the great advantages of our state of society are to be forfeited; the more miserable, since all these defects the House is not only competent, but has repeatedly manifested its anxiety to remove. If the hon. gentleman can show, that this is not the case—if he can show that the House of Commons, as it is now constituted, is unable to apply adequate remedies to evils of such a nature, then I will confess, that the House stands in need of a reform. But how absurd it is to say, here is a constitution which has given the people every blessing of civil government, but yet cannot remove a few evils which may exist in subordinate institutions. But do I rest here? No. I will prove that these evils being admitted in their fullest extent, you have a better prospect of their remedy by the present House of Commons than you have by a reformed one. What can your new constituency—the £10 householders, know of reforms in the court of chancery—or of your defective system of fines and recoveries? I am sure that if I were to ask a given number of them what fines and recoveries meant, the majority would answer, that a fine was a pecuniary penalty, and recovery a state of convalescence. What was the mode by which the great advocates for reforming all such abuses found their way into this House? Did not Sir Samuel Romilly sit in parliament for a close borough? Does not the learned gentleman himself find his way into this House by a similar avenue? And did not Lord Chancellor Brougham sit for a close borough? In fact, the close boroughs may be said to have generated the reformers. But what pretence is there for charging the House of Commons collectively with indifference to the reform of these specific abuses? By whom was the bill of Lord

Lyndhurst rejected? By the House of Commons. On what ground? Because the House was determined to have a more searching and extensive reform of the court of chancery. By whom was the first blow struck against fines and recoveries? By the House of Commons—and at this moment we have bills before us, originating in an address from this House to the throne, for the absolute destruction of those very fines and recoveries. Then with respect to the penal code; this House has shown a disposition to mitigate its severity. With respect to forgery, I introduced a bill remitting the punishment of death in certain cases. The House was not satisfied, but remitted that punishment much more extensively; and though the bill did not ultimately pass in that shape, it was not this House, but the House of Lords, which restored the punishment. The House of Commons rejected the advice of his Majesty's ministers. It resisted their influence, and insisted upon repealing the punishment of death for the crime of forgery. Why, then, if the arguments of the learned gentleman have any weight, they prove that the reform should take place in the House of Lords. It is they who have defeated the benevolent intentions of the House of Commons, and yet we are proposing to reform not the House of Lords, but the House of Commons, which, in all the instances to which I have referred, has shown that it is neither behind the intelligence of the age, nor neglectful of the complaints of the people. I say, then, Sir, that the alleged reason for change in this House is utterly destroyed. I will now say a few words with respect to the bill itself. It may be said to contain two great principles; the first is the principle of disfranchisement; the second is that of constituting a new representation. Four times have there been essential alterations made in the bill; and although we see held out the phantom of the £10 right of voting, yet four times has that very matter been subjected to changes, and to changes so important, that my confidence must not be asked for those who have felt it necessary to make them. At first the right of voting was given to resident £10 householders, and residence was insisted on as a necessary qualification for the franchise. Now mark the alteration which has been made. What is the effect in Manchester? It altered the constituency of that place so much, that instead of giving the right of voting to resident £10 householders, by a little alteration, the great principle of residence is thrown overboard—it is overpowered by non-resident occupiers of warehouses and counting-houses, and thus the original ground of residence is cut away, as forming the condition of qualification. And then, Sir, what is the effect of the change that has last been made? When gentlemen are asked to support this bill, it is in vain to attempt to conceal the fact from men equally informed and intelligent with ourselves, whose interests and feelings are so deeply affected, that these changes are making alterations by tens of thousands in the numbers of the constituency of the country. I know this may be called mere inadvertency; but really, Sir, if through the inadvertency of his Majesty's government, these changes can be made in a bill, affecting not less than 100,000 people, let me say, the time is not yet come when we can maturely deliberate upon so grave a matter: we are not yet in a condition to legislate at all upon it, and least of all will this House stand excused in hastily passing a law which is brought before us under such circumstances. The projectors of this bill, after having established the £10 franchise, come forward with subsequent alterations which totally alter the character of the constituency. As the bill now stands, every £10 householder is disqualified who pays his rent more frequently than half-yearly. The bill originally gave the right to the weekly and the quarterly tenant. By confining it to the tenant paying half-yearly, you disfranchise many thousand voters in places that I could name. In Birmingham there is a very numerous class of persons who pay rents of 3s. 10d. or 4s. per week, which amount, of course, to £10 a year. By the simple insertion of the words quarterly payments or half-yearly payments, I care not which, there is no use in concealing the fact, the number of such voters would be reduced by many thousands. Why raise expectations so inconsiderately, and defeat them with equal precipitation? What avails it to say that you have acted inadvertently. That you have been administering prussic acid—and that you forgot to look at the prescription. You have made another, and a most important change. You have by this new bill admitted land into the value of the £10 holding. It seems a simple and easy matter to insert "land," but will any man deny, that this is a most important change? Without saying whether these changes are good or bad, I do say that

these facts destroy my confidence in the ability of his Majesty's government to conduct such a question to a salutary and happy conclusion. I hope, that hon. gentlemen will consider the effect of the alteration made by the insertion of the word "land" upon our rural economy. If one thing more than another would tend to improve the condition of the peasantry, it is the attaching of small gardens to the tenements they occupy. Now, by making the possession of land with a house a qualification, we encourage landlords to take away those small gardens where they are now enjoyed, and to withhold the possession of them when otherwise the possession might be conferred. It may be said, that landlords will not be influenced by this consideration, and I know that they ought not, but I contend, that the policy and the principle of that law must be bad which tends to sacrifice the improvement of the condition of the peasantry to electioneering interests. These are the main grounds on which I oppose the second reading of this bill. The hon. member who spoke last, expressed his hope that I was prepared to bring forward some scheme of reform, and has taunted me with being at length a reformer. But what did I say in the last session respecting reform? I said, that having left one government in consequence of its resistance to reform, and another government having been formed pledged to reform, I would, rather than risk a change of government—seeing the impossibility of constituting an administration opposed to reform—support a measure of reform introduced by my opponents, provided that measure were perfectly consistent with the safety of the institutions of the country. I said, I might be wrong or I might be right, but that is the extent of the declaration I made, and which I am prepared to make again. I have been uniformly opposed to reform upon principle, because I was unwilling to open a door which I saw no prospect of being able to close; it was not because I thought that the transfer of the franchise from East Retford to Manchester might be in itself injurious, but because I was of opinion that a government which should unsettle the minds of the people upon this subject, would be responsible for the consequences that must result. I certainly was one of those who opposed the giving representatives to Manchester, and to other large towns; because I thought the advantage of such a measure not sufficient to counterbalance the evil of altering the constitution of parliament, and agitating the public mind on the question of reform. And if it be truly said, that the demand for reform has been a steadily increasing demand, if it be the fact that nothing short of this bill will give the least satisfaction, surely I was justified in doubting whether the grant of members to three or four large towns would stay the public appetite for reform, and whether it would not prove the commencement, rather than the close, of the discussion. I do not admit, however, that the settled opinion of this country is fixed, and permanently decided, in favour of this bill. I would advise those who assert it, not to rely too confidently on the duration of the present excitement; to bear in mind the causes which have combined to foment it—and to consider whether they are of lasting operation. Our sober judgment has been disturbed by the recent events in France, by sympathy in the triumph of liberal opinions, and by a natural indignation at the illegal exercise of authority. While those feelings are at their height—a government is formed pledged to reform, and they redeem that pledge by a more extensive measure of reform than was expected by the most sanguine reformer. They dissolve the parliament in order to take the opinion of an already excited people, on a question of all others the most requiring sober and dispassionate inquiry, and they superadd to every other cause of agitation, an appeal to the personal wishes and opinions of the king. With regard to the dissolution of the parliament, it might be right or it might be wrong, but nothing could be more unwise than to countenance the popular belief, that the king was personally interested in the question of reform. I do not for a moment call in question the undoubted prerogative of the Crown to dissolve the late parliament, but I do call in question the prudence with which that prerogative was exercised, the time and mode of its exercise, and above all, the lavish use of his Majesty's name and authority, with the view of influencing election contests. I regret, most deeply, that through their organs of the press, the government condescended to the humiliation of propagating tales which could only be addressed and suited to the lowest and most vulgar class of minds. I regret most deeply that they should, for any purpose whatever, have resorted to the dangerous expedient of teaching the people to associate

loyalty to their king with hostility to the constitution of parliament. I do not think it a happy circumstance that the feelings of the people have been thus excited; I doubt the existence of an unanimous feeling as connected with this measure on their part; and I deeply regret that the sober and temperate judgment of the people has been disturbed by a variety of causes. But, Sir, if this feeling be such as we have heard it represented, and if it shall permanently endure, I am then ready to admit, that no government can go on without enacting such measures as shall alleviate and remove that intense feeling. But all I ask is, time for deliberation upon a question of such vital importance; I say, do not rely upon this temporary excitement—do not allow that to be your only guide—do not force this Reform Bill upon the country, upon the assumption that the unanimous voice of the people demands it. I doubt the existence of any such ground; and if you do find hereafter that you have been mistaken—if you find that the people have only been acting under an excitement produced by temporary causes—if they are already sobering down from their enthusiasm for the days of July, let the House remember, that when the steady good sense and reason of the people of England shall return, they will be the first to reproach us with the baseness of having sacrificed the constitution in the vain hope of conciliating the favour of a temporary burst of popular feeling; they will be the first to blame us for deferring this question to popular opinion, instead of acting upon our own judgment. For my own part, not seeing the necessity for this reform, doubting much whether the demand for reform is so urgent, and doubting still more whether, if carried, this measure can be a permanent one, I give my conscientious opposition to this bill. In doing this, I feel the more confident, because the bill does not fulfil the conditions recommended from the throne—because it is not founded on the acknowledged principles of the constitution—because it does not give security to the prerogatives of the Crown—because it does not guarantee the legitimate rights, influences, and privileges of both Houses of Parliament—because it is not calculated to render secure and permanent the happiness and prosperity of the people—and above all, because it subverts a system of government which has combined security to personal liberty, and protection to property, with vigour in the executive power of the State, in a more perfect degree than ever existed in any age, or in any other country of the world.

At the close of the debate the House divided; for the second reading, 367; against it, 281; majority, 136.

JULY 12, 1831.

Lord John Russell having moved the order of the day for a Committee of the whole House on the English Reform Bill; Lord Maitland moved, that the petition of the burgesses and inhabitants of the borough of Appleby, which had been presented on the 22nd of June, should be read, and then the petition having been read, his lordship proceeded to move that it be referred to the Committee, and that the petitioners be permitted to produce evidence in respect to the facts stated in the petition, in order to show their claim to be exempted from the operation of that clause in the bill by which they were to be included in the schedule A, containing a list of those boroughs that were to be disfranchised altogether.

Lord John Russell decidedly opposed the motion.

SIR ROBERT PEEL expressed his earnest hope, that the majority of the House, anxious as they all must be to guard against establishing so dangerous a precedent as would be done in this case, would well weigh the nature of the petition before them. Should the noble lord who last spoke prevail on the House to reject the motion now before them, it would be decisive as to disfranchising all these boroughs without hearing them. The noble lord said, that the House was competent, as a legislative body, to decide whether they would proceed to disfranchise certain boroughs, on the principles laid down in the preamble of the Reform Bill. He would not discuss the question as to the competency of the House to do so; the petitioners themselves did not controvert this opinion—they did not deny the legislative body to be capable of making laws, but they argued thus:—"We admit, that the principle upon which the disfranchisement of boroughs is to be effected, is a correct one, but we want to show, that the principle does not apply to us." And would any majority of that House, however powerful, and satisfied of the policy of

adhering to that principle, refuse these petitioners the opportunity of showing that the principle of the bill did not apply to them? They urged that, as the borough contains more than 2,000 inhabitants, they ought not to lose the right of returning members to parliament, and they desired to show that such is the fact, that the population return of 1811 was correct, and that of 1821 erroneous, by omitting one of the parishes. In what way were the facts they asserted to be established? Surely not by general discussion in the House, but by satisfactory evidence. Admitting the distinction between property and franchise, let us show the latter the respect to which it is entitled. If the House were prepared to refuse these parties a fair opportunity of proving their case, it would establish a most dangerous precedent; for what would prevent the same precedent from being extended to any other bill which might be brought before them; and by which the rights of property or of persons might be endangered.

After a lengthened discussion, Lord John Russell said, the government were prepared to admit the statement of the petitioners, as far as the parishes were concerned, but he would not enter into the case until the bill was in committee.

The House then divided; for the motion, 187; against it, 285; majority, 98.

JULY 13, 1831.

On the motion for going into a Committee on the second day,—

SIR ROBERT PEEL observed, that one point of importance had arisen out of the discussion of last night, to which he wished to invite the attention of the noble lord and of his Majesty's government. The House had decided against hearing counsel in support of the allegations embodied in the petition from the borough of Appleby, but it appeared to him that that decision could not be understood as peremptory against receiving evidence in support of claims to be exempted from the operation of the bill. He would put it to the noble lord whether it were not very possible that Appleby, Ashbourne, or Wareham, for example, might petition for the purpose of being permitted to prove *bona fide* that they were really entitled to their present franchise, on the principle laid down by ministers themselves, and not with the dishonest design of unfairly impeding, obstructing, or defeating, the Reform Bill. If any case should be proposed for re-consideration where mere vexatious delay was evidently the object sought, then surely it was open for the majority summarily to reject the proposition; but he could see no just reason why they should shut the door indiscriminately on every complaint of grievance, on the assumption that it must necessarily have originated in factious and improper motives. He wished, therefore, to know whether it were the intention of his Majesty's ministers to lay it down as a general rule, that no borough was to be allowed to offer any evidence to the committee, to show that it ought not to be disfranchised. In his opinion the committee should be instructed to receive evidence, and it would always have it in its own power to reject that which was unnecessary, inapplicable, or proposed only to create delay. Another difficulty in connexion with this subject also presented itself to his mind, and he would take that opportunity very briefly to explain its nature, in the hope that the noble lord might be induced to remove it, the rather, as the objection would still hold whether he were disposed to recognise the principle or not. Commissioners, it appeared, were to be appointed for the purpose of dividing the counties, with a view to carry into effect the provisions of the bill; and pursuant to their report the House of Commons hereafter would be in some degree re-modelled. The report then, must, of course, have a very material bearing on the question itself; for certain counties, according to the principle of the measure, were henceforward to be allowed four representatives, and the distribution of these representatives would entirely depend on the decision of the commissioners. Now, if he could be informed by what principle the commissioners thus appointed were to be guided in such divisions, it would, in some degree, simplify the subject, and enable him more distinctly to understand it, and help to disembarass him of a difficulty which he could not at present satisfactorily get over. He was the more desirous of information, as a noble lord, favourable to the principle of the bill, had given a notice of motion, to the effect that such counties, instead of being divided into two separate districts, should remain undivided, and, as a whole, return their four

representatives. In the case of Warwickshire, for instance, it was highly important to know whether Birmingham and Coventry were to be included in one division; as every hon. member must see that the landed interest would necessarily be materially influenced by an arrangement which might give the freemen of those places a double franchise. He mentioned this one instance merely in order to illustrate the nature of his objection.

Later in the evening, the House having resolved itself into a committee,—

Sir R. Peel said he meant to address himself simply and exclusively to the matter before the House; and notwithstanding all that had been said, he should confine himself to the question—whether the consideration of the schedules A and B should be adjourned? He should act on the admonition of the noble lord opposite, and make but a short speech. It often happened, that the short speeches were most able and effective. Now, the last word, effective, reminded him of an expression which had been used, he believed by the right hon. member for Windsor—he meant the word “talented.” He accounted for the right hon. gentleman’s using so vile a word, by his having read so much of Irish documents of late. In the discussion, he should avoid as much as he could, any reference to the principle of the bill, which they had had sufficient opportunity to discuss; and it was not regular to renew that part of the discussion in the committee. The time to do so would be in the House, on the motion that the report of the committee be received, or upon the third reading of the bill. There were many details which required discussion; and to them, in the committee he should, as far as possible, confine himself. He thought, that if his Majesty’s government had taken the prudent course after they had obtained a majority of 136 upon the general principle of the bill, not to insist upon the discussion of the details, without waiting for necessary information to be laid before the House, they would have done more than at present to satisfy the House and the country. He knew, indeed, that the advocates of the bill were already satisfied with the information which they possessed, and that they were afraid they should be overtaken by the returns of 1831. They were acting on the principle of population, that is to say, of 2,000 and 4,000; but then they took the population of 1821 as their basis, although they should have, in three weeks, the returns of the population for 1831; by which, perhaps, before the bill could leave that House, it might be proved, that those places which were exempted from the disfranchisement ought, according to the principles of the bill, to have been subjected to it; and those which had been subjected to it, ought to have been exempted. It had been said, those who furnished his Majesty’s ministers with the information on which they had acted, were the partisans of ministers; but no partisans ever performed a service to their party in a more clumsy manner, for documents so conclusive, as to the necessity of delay, he never saw. The noble lord, when he produced these documents, could never have supposed, that the members would look so far as page 58. The noble lord said, that the information contained in these documents was not strictly official. That might be; but it was information sought for and obtained by his Majesty’s government, and deemed by them of great importance; and it was information, in which palpable and not immaterial errors were to be found. In page 58, the names of Bolton, Huddersfield, Bradford, Kidderminster, Kendal, Macclesfield, Oldham, Rochdale, including the township of Spotland, and in short, the names of all the towns, twenty-five in number, inserted in Schedule D were all contained. One gentleman was deputed to collect information connected with the population, in all those several towns; and in his report he states, that he has collected the information furnished in his report, from what he considered the best sources of information; but that if more time had been allowed him, more correct information would have been obtained on the subjects which he was instructed to enquire about. He would not characterise the change the ministers proposed as a new constitution; he would use no objectionable term; he would only say, they were about to make an important change in the representative system; and here was a gentleman, consulted by his Majesty’s ministers, and called upon by them to collect information, whose own report showed, that his Majesty’s government and the House were not in possession of the information on which they could rely, and which might be obtained if a little more time were allowed. But his Majesty’s ministers wished not to wait for this information, and to force the House to discuss and decide, before it was in possession of the requisite information. His

right hon. friend had so much understated this case, that the House would perhaps allow him to explain the position in which it was placed. It was not in possession of the instructions under which the gentleman acted who made this report. Whenever a legal opinion was referred to, there was also a clamour for the case; for it was truly said, that the opinion could not be understood without the case; and, in the same way, he said, that the House could not understand this gentleman's report, until it had his instructions. It appeared, however, by his own report, that he had taken a fortnight to complete his mission; and whatever might be thought of the skill and prudence of his Majesty's ministers, their generosity and candour, in producing these documents, could not be doubted. He gave them great credit for it, and hailed it as a good omen of the future discussions on the bill. This gentleman in collecting information, took a town a day, and even a day for each town exceeded the portion of time allowed him. He was not to spend more than a day in collecting information relative to any one town; and probably, though it was not so stated, he was paid by the day. He stated distinctly, however, that one day exceeded the portion of time allowed for his enquiries concerning the population of Rochdale, including the township of Spotland; and therefore he asked the noble lord, whether it were fair to go into the question so far as Rochdale and the township of Spotland were concerned, until the information which this gentleman could not procure, within the time allowed, but which he distinctly intimated might be obtained, had been procured. He had pointed out these errors, because he held it to be his duty to do so. It might be more politic to leave these flaws in the measure, for he was against the bill; but, at the same time, he was its consistent opponent, and if it must be passed, he wished to see it passed with the least mischief to the country. It was yet, perhaps, possible that some of its more injurious clauses might be got over; but if, on its third reading, he found that the evils still over-balanced the good, he should continue to vote against the measure. He trusted, however, that opportunity would be afforded for perfectly fair discussion on every portion of the subject; but at the same time, he would not be a party to any vexatious delay; while, on the other hand, it should be remembered, that those who were more sincere in favour of the bill ought to be the greatest advocates for a full discussion of its details, with a view of making them as perfect as possible. He would briefly state what he considered to be the main defects of the bill, which still remained unanswered, after all that had been said on the other side. In the first place he could not see the advantage of this wholesale disfranchisement, for he set a much higher value on prescription than the noble lord appeared to do; the next point to which he had never heard an answer was that which had been so well urged, that the taking away the nomination boroughs would prevent the accession of new talent to the House; the third point was, that if this bill were carried, there would be no certainty of any one who was called upon to be a minister of the Crown being returned, after the required vacation of his seat on his appointment to office; his next ground of objection was, that this change would be the means of excluding from the House of Commons men of retired habits, but of profound knowledge, who would not like to present themselves before the £10 voters instituted by this bill. Further he had to observe, that the bill would be the means of entirely excluding the colonial interest; and lastly, he objected to the bill, that under a limited monarchy it did not afford sufficient check against the passions of the people. They were about to make an experiment of a uniform system of representation, and were destroying one of those checks, sanctioned by successful usage, without substituting any other. Having said so much as to the merits of the clause now before the committee, he wished to state why he thought it would be more rational to postpone its consideration. Such a course would be consistent with the principles of all who were friends to moderate reform, who might then show how far they were ready to go. Nor would it be inconsistent with the views of the noble lord who introduced the bill, as stated by him not long since. He did not want to quote the noble lord's words, and he admitted, that in the altered temper of the times, a justification might be found for a change of opinion on the subject. The noble lord, however, did not always consider it the wisest course, that disfranchisement should precede enfranchisement. Two years ago the noble lord said, "Let us first agree what towns should be enfranchised, and then we shall consider what boroughs may be disfranchised, and what compensation it may be

expedient to grant them." He had, therefore the high sanction of the noble lord, as a moderate reformer, to the principle that they should first consider to what large towns it was proper to give the right of returning members. It had been said, that in doing this a certain arbitrary line must be adopted, and so it must, if the House first proceed to determine what boroughs were to be disfranchised. The most rational course, however, was, to determine, in the first instance, what towns should be enfranchised; and having determined that, to make the disfranchisement commensurate with the enfranchisement. If this course had no other recommendation, it would be preferable on the ground that it would afford something like a check to perpetual disfranchisements. When disfranchisement should hereafter be proposed, it might be said, we have not destroyed the small boroughs as a nuisance, but as a necessary consequence of enfranchising large towns, and the disfranchisement would not precede the necessity for such a measure; but if it could be said, that the House disfranchised boroughs having less than 2,000 inhabitants, and gave the franchise to towns containing a population above 10,000, let it be able to reply, that at least it substituted large for small towns, and only agreed to a disfranchisement commensurate to the necessity of the case. It would be a great advantage, therefore, in his opinion, to postpone the consideration of schedule A. He did not approve of schedule A, on principle; but if he were obliged to consider it, he should prefer doing so after the House had decided to what towns the elective franchise should be given. If they proceeded to disfranchise certain boroughs, as if they were abating a nuisance, the precedent might be used hereafter to demand the sacrifice of any borough to a popular clamour for reform. Upon this precedent they might be called upon to yield to another and more extensive reform, and what opposing check would their own acts and deliberations offer? If a borough containing less than 2,000 inhabitants might be considered a nuisance, and deprived of its franchise, might not a borough containing less than 5,000, inhabitants hereafter be so considered; and upon what principle could the noble lord then refuse to sacrifice it? He had confined himself to stating the grounds upon which he objected to schedule A, and cordially adopted the proposal of his right hon. friend, to postpone the consideration of the clause.

JULY 14, 1831.

In a debate on the question for going into a Committee on the third day,—

SIR ROBERT PEELE, rising after Lord Althorp, said he could not avoid expressing surprise at the language of the noble lord. He did not hear his hon. and learned friend (Sir C. Wetherell), in any part of his speech, discuss the principle of the bill. His hon. and learned friend's observations had a direct reference to the matter before the House, and he had put questions of great importance to the government, which the noble lord, he must say, had pointedly evaded. The hon. and learned gentleman had asked for information on the subject of that bill which makes population the test of disfranchisement. He had asked what evidence they possessed on the subject of that population, and the noble lord had not thought proper to answer him. The noble lord said, that he appealed to the people of England. When the noble lord made that appeal with so much confidence, the people of England might perchance reply by asking a question of the noble lord. They might ask, whether it were fitting that the population was to be the test of disfranchisement, when the government took the population, not as it existed at present, but as it was stated to be ten years ago? The noble lord might answer his learned friend or not, as he pleased. It undoubtedly was in his power to refuse to do so, but declining to answer would be well understood. It was his (Sir Robert Peel's) decided impression that the ministers were unable to answer; that they did not possess the power to give an answer. He hoped, however, that the learned gentleman would consider well before he moved for the information he required. If the test of population were adopted, it would undoubtedly be necessary that the returns should be correct; but he thought it expedient to avoid taking any steps at present which would seem to recognise the fact, that population was to be the test. If he thought that, by voting for the more accurate information required by his hon. friend, he should, at the same time, be admitting population to be the test of disfranchisement, undoubtedly he would vote against his hon. and learned friend's motion. If, however, a majority of that House came to the de-

termination that population was to be the test, it would then be a question for their most serious consideration, whether they were to take as their test the old returns of 1821, or those which they were to be in possession of in the course of the next fortnight. Could the House possibly forget what they had heard that night on the subject of the returns? Could they forget, that the hon. member for Preston (Mr. John Wood) had told them, the returns of 1831 were not to be depended on, because he knew that tricks had been practised to increase the numbers in particular places; and that in one borough, with which he was acquainted, 300 persons had slept the night before the return was made, in order to bring it within the rule? So, by this argument, if from any accident the population of a borough was increased; if the stage-coach happened to break down, and six persons more than ordinary slept in the borough of Malton, that was to save it from disfranchisement; or if a great fight happened to take place in the vicinity of a particular town on the day of the return, that was to determine the point of disfranchisement. And yet, in the midst of all these difficulties and absurdities, they were called on to take the population returns as a method of determining the right to exercise the elective franchise. Nothing, he apprehended, could well be more absurd. It reminded him of an academical absurdity which was probably familiar to the House. It was this—"given the height of the mast and the name of the vessel, to determine the length of the voyage." This no doubt appeared very absurd, but the principle, if principle it could be called, on which this bill went, by which the House was required to solve the problem—"given the number of women and children in a certain place, to determine the independence of the electors," was equally absurd. He would ask the government to answer him this question—If your object be to put an end to the nomination boroughs—and you have declared that to be your principal object—why is it, that you permit these nomination boroughs to retain one of their members, because they have a fraction above 2,000 inhabitants? If you wish to destroy all nominations and corrupt influence, as you say, why do you not take away their members altogether, instead of permitting them to retain one? But then it would probably be said, that they were about to call in a new constituency. Why, it might happen, and in many places he believed would happen, that a greater number of respectable £10 householders were to be found in boroughs which did not come within the line of 2,000 inhabitants, than in boroughs which possessed more than the required 4,000. This showed the fallacious nature of the principle on which they were required to proceed. The noble lord had, indeed, found something of that kind himself. In the case of Downton and St. Germain's, the noble lord had been compelled to acknowledge, that there were not a sufficient number of £10 householders to form a respectable constituency. Could there be a stronger evidence in favour of the principle for which he and his hon. and learned friend contended—that population was not to be taken as a test of competition for the elective franchise, or of inefficiency in the exercise of the right which it confers? For these reasons he objected to population as a test at all of the necessity of disfranchisement; but if the House should ultimately be of opinion that population ought to be the test, then for the same reasons he was prepared to contend, that they should take the latest, and it was presumed to be most accurate, return, that of 1831. Under any circumstances he made bold to assert, in contradiction to the noble lord, that the discussion was not irrelevant to the question before the House.

In the committee, later in the evening,—

Sir Robert Peel, rising after Dr. Lushington, who had followed Sir Edward Sugden, said, that if he were inclined to renew the discussion on the principle of the bill, the speech of the hon. and learned gentleman who sat down on the ministerial bench afforded him an opportunity. But he would adhere to the rule which he had laid down, and not revive the discussion of the principle while the bill was in committee. He trusted, that both sides of the House would come to the consideration of the measure, determined to lay aside all angry feelings, and he hoped his hon. and learned friend (Sir E. Sugden) would set the first example of forbearance, and abstain from any personal recrimination. His character stood too high to be hurt by any insinuations which could be thrown out against it, and he need not repeat to the House that explanation which proved most satisfactory to the

last parliament, relative to his conduct with respect to the borough of Weymouth. The House, he understood, was to consider the boroughs enumerated in schedule A, as being part of the first clause, and he rose to offer a suggestion which would facilitate the discussion upon the bill, if it met with the concurrence of the House. Fifty-seven boroughs were included in the schedule, upon each of which it was competent for any gentleman to raise a discussion, involving the consideration of the whole bill. Now, he thought the best course would be, to take the sense of the House on this question, whether all boroughs containing fewer than 2,000 inhabitants should be disfranchised, and when the will of the House was clearly manifested by a decided majority, he, for one, should not be disposed to repeat the division in the case of each particular borough, upon the understanding that, with respect to every borough where a *prima facie* case could be established, that it did not fall below the line drawn by ministers, an opportunity for full discussion should be afforded. He, however, still reserved to himself the right to speak upon the principle of the bill, when the report was brought up, or upon the third reading of the bill. He trusted, that all sides would enter into the committee with good humour, and abstain from throwing out imputations of any sort. Let them remember, that they were now forming a new constitution, and if it were to be adopted, no time was to be lost in making it as perfect as possible.

Rising after Mr. Hudson Gurney, who had followed Mr. Baring,—

Sir Robert Peel, in explanation, said, that he was as much opposed to the general disfranchisement included in the bill as his hon. friend; but as on the principle of that disfranchisement the House had overruled him, he thought that it would be a waste of time to enter into discussions on those boroughs which fell within the rule which the House had determined on. Reserving the right of pressing for the rejection of the whole clause on bringing up the report, or on the third reading of the bill, he repeated, that he did not consider it would be necessary to have a separate division upon every borough. He should be content, that one decision should affect all boroughs in schedule A which had a population confessedly under 2,000. For instance, he would take the case of Blechingley, and if a vote of the House disfranchised Blechingley, he should be satisfied to consider that as extending to all boroughs similarly situated. But for all other boroughs—that was to say, for all which could make out a *prima facie* case, that their respective populations were above 2,000—there should be separate consideration. To bring this question to issue, he would suggest that the word “each,” be left out of the clause.

Sir Robert Peel again, in reply to Mr. John Campbell, said, it might be very well for the hon. and learned member for Stafford, as a friend to the bill, to make the suggestion that the word “none” should stand instead of the word “each,” but the opponents of the measure must follow the course that seemed best to them. The bill said, that each borough inserted in schedule A should be disfranchised. Now the proposition before the committee was, with the view to prevent this disfranchisement, to leave out the word “each,” which, no doubt in this case meant “all;” and it was on the withdrawal of that word he wished to take the sense of the House. The word he proposed to leave out would make nonsense of the whole clause. He begged leave now to propose, *pro forma*, that instead of the words in the first clause, “That each of the boroughs enumerated in schedule A, &c., shall cease, &c.,” that the clause stand, “That of the boroughs, &c.”

Sir Robert Peel afterwards said, he did not intend to consult hon. gentlemen opposite as to the course he thought proper to pursue. They wished not only to draw up the bill, but also to propose the amendments that the opponents of the measure were to make. He had suggested that the word “each” should be left out to save time, and with a view, undoubtedly, of defeating the bill. Nothing was more common, than to pursue such a course, and propose that all the words after the first should be left out.

JULY 15, 1831.

In a Committee on the fourth night, on an amendment moved by Sir Andrew Agnew,—

SIR ROBERT PEEL said, that the advantage which had been taken of the declaration

which he made the other night, as to the course of proceeding he should adopt with respect to this bill, was enough to discourage him from making any similar declaration again. What he had proposed to do was, to take the opinion of the House on the principle of disfranchisement in general, instead of troubling the House with a division on the case of each particular borough. The hon. baronet's (Sir A. Agnew's) amendment had been given notice of two or three days before. It was not made in any concert with him, for the hon. baronet did, in fact, vote against the amendment which he moved last night. But time ought to be given to discuss whether the disfranchisement should be total or partial? He should pass over the taunts of the hon. member for Colchester. He thought he could afford to do so. He was quite sure, that they would never come to the details of this bill if they were constantly diverted by considerations of a personal nature. The hon. member for Colchester said, that the omission of the word "each," had been proposed in order to make nonsense of the clause. That he admitted; it would generally be the effect of moving the omission of certain words from any clause; but it would have been perfectly competent for any gentleman to have made sense of the clause, by moving that six or seven of the boroughs in schedule A be retained. He was not a strenuous supporter of the hon. baronet's amendment; but when this alternative was offered him, he should follow the course pursued by all statesmen, and of the two evils adopt the least. There was another line of conduct which he might adopt—that of leaving the House altogether; but that was not a course consistent with his duty as a member of parliament; and he should therefore remain in his place, and try to amend the bill as much as possible. The noble lord had told the House, that at the time of the union of Ireland with England, the close-boroughs were disfranchised; but the noble lord had forgotten to mention this important fact—that pecuniary compensation accompanied the disfranchisement. He admitted, however, that there were at present great difficulties in the way of pecuniary compensation, arising from the state of public feeling on the subject.

The amendment was negatived by 316 against 205.

On the question that the words "Aldeburgh, Suffolk," stand part of the clause, relating to schedule A,—

Sir Robert Peel said, it was not his intention unnecessarily to detain the committee, by pressing a division in the case of Aldeburgh, for other cases would arise, when the same question could as well, or perhaps more conveniently be determined by taking the sense of the committee. But he felt it necessary to state, that, as he altogether questioned the propriety of making population alone the test of qualification, he should for his own satisfaction, as well as from a sense of public duty, take the sense of the House on the propriety of including within the schedule A the very first of those boroughs which clearly came within the line of disqualification drawn by the noble lord as to the number of 2,000 inhabitants.

Rising after Mr. O'Connell,—Sir Robert Peel said, that if the hon. and learned gentleman's principles were acted upon, the House would be at sea, and it would be absolutely necessary to remodel the bill. Said the hon. and learned gentleman, "I do not care about the population—whether it be more or less—but I condemn the boroughs solely because they are nomination or corrupt boroughs." Said the noble lord, "I have no means of knowing the degree of influence which is used, and therefore I presume it from the amount of population." The hon. and learned gentleman seemed to think this perfectly absurd; and in that he perfectly agreed with him. He wanted to know, not the number of inhabitants, but the degree of influence used.

The question that the words "Aldeburgh, Suffolk" should stand part of the clause, was agreed to without a division; the chairman of the committee was instructed to report progress, and the House resumed.

PRINCE LEOPOLD'S ANNUITY.

JULY 18, 1831.

Lord Althorp, after some prefatory remarks relating to Prince Leopold's resignation of his annuity, on the accession of His Royal Highness to the throne of Belgium, read the following letter from His Royal Highness to Earl Grey, received that morning:—

“MARLBOROUGH HOUSE, July 15.

“My Dear Lord Grey;—Before I quit the country, I am desirous to state, in writing, the intentions and views which I had the pleasure of communicating to you verbally this morning on the subject of my British annuity.

“As Sovereign of Belgium, it is not my intention to draw from this country any portion of the income which was settled upon me by Act of Parliament at the period of my marriage. Your lordship is, however, well aware, that up to the very moment of my leaving England, I have maintained my establishments here upon their accustomed footing, and that, consequently, there remain to be fulfilled and discharged pecuniary engagements, and outstanding debts, to an amount which it is quite impossible for me to state at the present time with precision. As soon, therefore, as I shall have accomplished the payment of these demands, it is my intention to make over, into the hands of trustees, whom I will without loss of time appoint, the whole of the annuity which I receive from this country, in trust for the following purposes:—

“I shall require my trustees to maintain, in a state of complete habitation and of repair, the house, gardens, and park, at Claremont; and farther, to pay all the salaries, pensions, and allowances, which I shall deem a proper reward to those persons who have claims upon me, for their faithful services during my residence in this country. I shall, in addition, require them to continue all those charities, and annual donations to charitable institutions, which have been allowed or subscribed to, either by the Princess Charlotte or by myself, up to the present period.

“All these objects having been fulfilled, it is my wish and desire that the remainder shall be repaid into the British exchequer.—I remain, my dear Lord Grey, most faithfully yours,

(Signed) “LEOPOLD.”

Mr. George Robinson having expressed his satisfaction at this spontaneous concession, on the part of His Royal Highness, which had superseded the necessity for a question which he had intended to ask on the subject,—

SIR ROBERT PEEL said he conceived, that there could be but one feeling in that House as to the extreme liberality of Prince Leopold, in thus foregoing his pension, to which he had as clear and undoubted a right as any one member of that House had to his own estate. He was, therefore, glad that the hon. member for Worcester had had no opportunity of asking any questions on the subject. As to His Royal Highness's compulsory resignation of his allowance, or any part of it, that was a thing that could not have been thought of; and the wise conduct which had just been announced to the House, could only be considered an act of voluntary and unqualified liberality on the part of Prince Leopold. To him it seemed a very wise act, and well calculated to recommend him to the affections of those who were about to place him on the throne of their country.

PARLIAMENTARY REFORM.

JULY 20, 1831.

Lord John Russell moved the Order of the day, for the House to resolve itself into a Committee on the Parliamentary Reform Bill for England.

On the question that Bletchingley stand part of schedule A,—

SIR ROBERT PEEL, rising after Lord Althorp, said, that the noble lord, in the speech he had just made, had opened the discussion anew into the whole principles of the bill. He must enter his protest against the doctrines which had been laid

down by the noble lord. The noble lord said, that when they looked at the measure as a whole, they would see that its object was, to give to the people a full and fair representation in parliament, and that as such, it might be justly described as a restoration of the ancient principles of the constitution; for that those principles were, that the people should be fully and fairly represented in the Commons House of Parliament. Now that involved the fallacy, that the people of this country ever had the right which it was proposed to give them by this bill. He would deny that the phrase, "the people of England," ever meant the people of England as they were polled by this bill. What was meant by the people of England, when we spoke of the representation of the people of England in ancient times, consisted in the great corporate bodies, and those great classes of the community to whom the franchise was intrusted, and of whom the members sent to parliament were the representatives. But the word "people" was never used then as it was in the present bill—it was never used so as to mean £10 householders, who had never hitherto possessed a right to that franchise, which it was now proposed to give them. The elective franchise, as it had been established in England in former times, had never existed in the form in which the present bill proposed to establish it, but in a much better, more practical, and more beneficial form. He was far from denying, that a sentiment of dissatisfaction had been expressed throughout the country with regard to what were called nomination boroughs; but that dissatisfaction, and that clamour, with respect to those boroughs, he felt justified in attributing entirely to the manner in which this measure had been brought forward by the government, under the sanction of his Majesty. The ministers themselves had excited that clamour, which they pleaded as one of the grounds for disfranchising those boroughs. So far as burgage tenure boroughs were concerned, they certainly could not be described as any usurpation on the rights of the people. It was said, that the possession of such boroughs could not be advantageous to the aristocracy, and, indeed, the lord advocate of Scotland had argued, upon a former night, that as the right of returning members from such boroughs was vested in individuals, it was not probable that it could be exercised for the benefit of the general body, and that, in fact, the possession of such boroughs was disadvantageous to the interests of the aristocracy at large. But though the power might be vested in the hands of a single individual, was it to be supposed that it ever would be used by him for the promotion of his individual and personal interests, and not for the promotion and support of the interests of the general body to which he belonged? If, for instance, they should give members to Birmingham, was it probable that those members would attend only to the interests of Birmingham, and not to the interests of the iron manufacturers at large? Now those nomination boroughs served the same purpose exactly with respect to the property and interests of the aristocracy.

In reply to the Attorney-general, Sir Robert observed, that the observation of the hon. and learned gentleman as to those who were reformers since March last, could not possibly apply to him (Sir R. Peel), for he had never during his life been a reformer, and certainly not a reformer since March last. He had quitted office on the question of reform, he was opposed to the present measure, and he should continue to give it his opposition.

Bletchingley was ordered to stand part of schedule A.

DELAY OF THE REFORM BILL.

JULY 21, 1831.

Lord Althorp moved, "That the Order of the day for the committee on the reform of parliament (England) bill, do take precedence of public petitions, notices of motions, and other orders, on each day for which it may be appointed."

In the conversation which ensued,—

SIR ROBERT PEEL was satisfied, if the noble lord would only trust to his own plain and unbiassed judgment, that he would find more facilities for carrying forward the measure, than by attending to the recommendations of the newspapers, and considering their suggestions. Let the noble lord act on his own judgment,

and disregard their advice—treating with indifference and contempt, as he (Sir Robert Peel) did, the shameful menaces by which it was attempted to deter members of that House from performing their duty. The noble lord had trusted the House, and what had been the consequence? A disposition had been excited to throw no obstacles in his way, which had gone so far, that even petitions had not been presented, notices of motion had been waived, and no desire shown to delay the proceedings of the House. If they were told, however, that they were to surrender their judgment, and not examine into the details of a measure that was to give a new constitution to the country, to that he could not agree, and of such a proceeding he entirely disapproved. That was not treating the important subject as it deserved; but any party who should propose measures for the purposes of delay would find them recoil on the proposers. At the same time, the subject should be fully and fairly considered. There were already several notices given of motions for amendments of parts of the bill; there were at least sixteen such notices; two had been given by the noble lord (Milton). Of these sixteen notices, no less than ten had been given by gentlemen who voted for the second reading of the bill, but who thought it right that the subject should be brought under the consideration of the House in the same aspect as it appeared to them. If, out of those sixteen, ten were given by gentlemen who were friendly to the principle of the bill, was it fair—was it just—to impute to those who were not friendly to the bill, who brought forward amendments, a motive to delay it? It was said that the bill would be defeated by delay. What was the meaning of that? Had the ministers not a majority to support the bill? If it was meant, that by discussion the appetite for reform would be abated, that would be due to the fair influence of reason, and nothing else. If the public should become as weary of the discussion as the House was—if they should look for some other topic of interest, some other cause of excitement—if that were to be the consequence of delay, it showed there was ground to doubt if the clamour for reform was produced by the evils of the system, and showed that those who dreaded delay had a conviction that it was a mere temporary excitement, which would die away before the voice of reason. He would do his best, however, to facilitate the object of the noble lord, if the noble lord was disposed not to press his motion, to dispense with the order, and trust to an amicable understanding. Such an understanding had taken place last session; and under it they had begun private business at three o'clock, and the public business at five; that had continued through the session without any inconvenience, and, therefore, he thought an amicable understanding would be better than an order of the House, establishing a most dangerous precedent, such as that proposed by the noble lord. Besides, an order could not be efficacious, as the members might insist on their right to bring forward any subject, or to present petitions, when the motion was made for going into the question of reform. He was sure, that if the order were withdrawn, and an understanding agreed to, that would be adhered to. On all these grounds he must press the noble lord to withdraw his motion, and be content with an understanding that the business of reform should have precedence of all other business.

Lord Althorp consented to withdraw his motion, on the understanding that the Reform Bill should go into a committee, every night on which it was to be discussed, at five o'clock.

PARLIAMENTARY REFORM.

JULY 21, 1831.

On the motion of Lord John Russell, the order of the day for the House resolving itself into a committee on the Parliamentary Reform Bill for England was read, and the House resolved itself into a committee.

In a discussion on Mr. Croker's amendment, that the borough of Downton be excluded from schedule A,—

SIR ROBERT PEEL, rising after Mr. Stanley, said, that the right hon. gentleman who had just sat down, put the question upon the fairest possible grounds. It was

strictly a judicial question; and nothing could be more satisfactory than to see his Majesty's ministers equally divided upon a question of that nature.

Mr. Stanley denied that there was any division amongst his right hon. friends. All he said was, that if the borough were taken out of that schedule, it would still not be violating the principle of the bill, as Downton stood upon special and peculiar grounds.

Sir Robert Peel resumed, observing that the parties concerned resigning their interests in the borough was a matter of no importance; for the bill went to sweep away all such interests. After noticing the number of places in Wiltshire which the bill would disfranchise, he went on to observe, that the wider the space over which any collection of electoral houses were spread, the more perfect and complete would be the independence of the place, and thus would the objects of the bill be more effectually fulfilled. Not, of course, that he desired to contribute to that object for itself—nothing could be further from his wish—but he only urged that consideration as calculated to procure for his view of the question the votes of those who supported the principle of the bill. He confessed he saw no reason upon earth why the inhabitants of Salisbury Plain, not having votes for the county, should not have votes for some town, provided they occupied houses of sufficient value. It was one of the cases in which he thought the principle of the bill could be most safely and advantageously applied. All the members for Wiltshire would surely support the amendment of his right hon. friend—all likewise would support it who feared the growing influence of the towns, and desired to preserve the agricultural interest from being unduly depressed.

JULY 22, 1831.

In the discussion on the question, whether the borough of Newton should or should not stand part of schedule A,—

SIR ROBERT PEEL, rising after Mr. C. A. Pelham, said, he agreed with the hon. member as to the expediency of hon. members confining themselves more than they had done to the immediate subject before the committee, and not, like the hon. alderman opposite, indulge in a meandering discourse, half prose, half poetry, touching the politics of the last fifty or sixty years, including the American and French revolutions, the Continental wars, the state of Ireland, and the National debt. He, as well as the noble lord, had the honour of being a constituent of the hon. alderman, and must say, that such an oration would hardly be tolerated at their Common Hall. The hon. alderman was in error, in supposing that they, on the opposition side of the House, felt disposed to taunt those hon. members who had voted with them in their large minority of last night, though friendly to the principle of the bill. By no means: he admired them for their high-minded conduct, and trusted, that in several other matters of detail, the opposition would have the benefit of their votes. It was not to be supposed, that because hon. members had expressed their determination to support the principle of the bill, that, therefore, they were tied down to its every detail, without the power of adopting or proposing such verbal amendments as might be necessary. If such were the case, there would be an end to their character as a deliberative body. He could not, as a liveryman of the city of London, help regretting that his hon. friend opposite (Mr. Alderman Thompson), had not, in his late intercourse with a small party of his constituents, instead of entering into the unnecessary explanation he had made, in his usual manly manner addressed the livery thus:—"Gentlemen, I have voted for the second reading of the bill, and am still determined to support its principle; but I do not feel that I am, therefore, fettered so as not to exercise my own discretion with respect to its details." Had the hon. alderman addressed the livery thus, he was confident that, at the next election, the livery would raise him to the head of the poll.

Newton was ordered to stand part of schedule A.

JULY 26, 1831.

In the discussion on the motion that the borough of St. Germain's stand part of schedule A,—

SIR ROBERT PEEL, rising after Mr. Lambert, said, he supposed that the hon. member for Rye would report the hon. member who had just sat down, to those

members of the Political Union of Manchester, who were becoming exasperated at the delay which the Reform Bill had experienced, and who had determined to denounce such members of that House, who, when the details of the bill came under consideration, chose to touch on perfectly irrelevant topics. The hon. member (Mr. Lambert) had called upon the different reformers in that House to come forward and defend their opinions, and had laid the foundation of almost interminable debates; and whenever delay and factious opposition should be again charged against the gentlemen on the opposition side of the House, he would always refer to the example of the hon. member, who had given provocation to debate, which required the utmost forbearance to resist. It would, therefore, be but fair for the vengeance of the members of the Political Union to fall solely and singly on the head of the hon. member himself. The right hon. gentleman opposite (Mr. Stanley) said, that the disfranchisement of the borough of St. Germain's might be a departure from the letter of the bill, but it was an adherence to its principle. Then he (Sir R. Peel) was at a loss to know what the principle was; and he thought that the right hon. gentleman was bound to show, that this borough would continue to be a nomination borough, when a new constituency of £10 voters was thrown in. He doubted the policy of disfranchisement of the kind proposed. By it, that portion of the agricultural population, not being freeholders or copyholders, but inhabitants of £10 houses, would be deprived of the right of voting: while, on the other hand, if the franchise of boroughs were extended into the surrounding districts, that particular class of persons would be admitted into the franchise, and form a more independent set of voters than the householders in towns, because, being more scattered, they would be less likely to be acted upon by political clubs and unions. But the right hon. gentleman had stated, that the object of the bill was, to prevent small towns being swamped by country constituencies; though he had previously understood, that the object of the bill was to destroy the unity and individuality of every borough, and admit a new class of voters from agricultural parishes. In fact, how had ministers acted with respect to the borough of Christchurch? The area of Christchurch was twenty-seven square miles, or upwards of 17,000 statute acres. The total number of £10 houses in the borough of Christchurch was eight; and therefore the surrounding district was to be included, in order to make up the requisite number of 300. Then how could the right hon. gentleman contend that the spirit of the bill was not to swamp small towns in country districts? He, therefore, was of opinion, that the spirit of the bill would not be violated by allowing St. Germain's to retain the elective franchise.

Mr. Lambert stated, in reference to what had fallen from the right hon. baronet, respecting the Political Union of Manchester, that the indignation of any individual or society was perfectly indifferent to him.

Sir Robert Peel applauded the sentiments of the hon. member, but informed him, that at an early period of the evening, during the progress of the bill, they were threatened with the enmity of the members of the Political Union, if any delay with respect to the Reform Bill took place; and he certainly thought, that the hon. member ought to be the first person against whom their enmity should be directed.

St. Germain's was ordered to be inserted in schedule A.

THE FRENCH KING'S SPEECH—RAZING OF FORTRESSES.

JULY 27, 1831.

SIR ROBERT PEEL said he had wished to take that opportunity to put a question to his noble friend, relative to the convention to raze and demolish certain of the fortresses which had been established for the protection of the Netherlands since 1814; but that was now unnecessary, his noble friend having thought proper to communicate the Protocol to the House. Another question, however, that he wished to ask, was this: The convention which determined that certain fortresses should be razed, had been settled by the four powers, England, Russia, Austria, and Prussia: and to this convention for razing the fortresses France was not a party. If he understood the matter correctly, however, the whole of the fortresses were not to be demo-

lished, and it was not yet determined which of them should be, that being left to a future decision. The question, then, he wished to ask was, by whom was it to be decided which of these fortresses should be demolished? Was it to be decided by the same parties who had signed the convention? and, as France had not been a party to that convention, was she to have no concern in deciding which of the fortresses should be demolished? He did not wish to provoke a premature discussion on this important subject. Of late, indeed, foreign politics had not occupied much of the attention of the House—not that he was contented, not that he did not foresee much cause for future apprehension in the present state of foreign affairs; but the attention of the House had been absorbed by other things, and he had been extremely unwilling, seeing the situation of his noble friend, to call for any explanation, or provoke a premature discussion that might diminish the chances of maintaining peace. He should still have preserved silence, had it not been for the speech from the throne lately made in another country. That speech referred to two countries with which the interest and prosperity of this kingdom were closely connected—Portugal and Holland—which made it necessary to ask for some explanations. He said, he did not wish to provoke premature discussion, but only to obtain such explanations as would enable the House of Commons to understand in what manner the interest of England might be affected by these events. The part of the French king's speech which referred to one of these subjects, was this—"The fortresses erected to threaten France, and not to protect Belgium, will be demolished." It was said there, that these fortresses were erected to facilitate aggression on France. The speech supposed what he was bound to say was not correct. Those fortresses were not raised to threaten France; they were raised to defend Belgium, and the neighbouring countries, against France. He must object, therefore, to the language which had been used, and must, at the same time, remark, that the manner in which the destruction of these fortresses had been announced by France, was a departure from the ordinary courtesies in practice among nations; and the more so, as it appeared they were not to be dismantled immediately, but were, on the contrary, to be made the subject of ulterior negotiations, to which it would appear that France was not to be a party. He would not, however, enlarge on this point, because he was anxious to avoid provoking discussions which might prove inconvenient to the government: and he would, therefore, at once pass to that other portion of the French king's speech, on which he begged to put a question to the noble secretary for foreign affairs. In that speech he found the following words:—"To obtain reparation, demanded in vain, our ships of war have appeared before the Tagus. I have just received the news that they have forced the entrance. The satisfaction hitherto refused, has been offered to us. The Portuguese men-of-war are in our power, and the tri-colored flag flies under the walls of Lisbon." By that passage, the French king announced to his subjects, that the fleet of Portugal, the most ancient and the most faithful of the allies of England, had fallen into the power of its enemies, and that the tri-colored flag floated victorious in her capital. That passage announced that there was war between France and Portugal. It announced that the victorious fleet of France had forced the defences of the Tagus, and that the capital of Portugal was at the mercy of the conqueror. Under any other circumstances, it might not, perhaps, be necessary to require any explanation of the events which preceded this state of affairs in Portugal; but it was impossible to put altogether out of sight those treaties which bound this country to the defence and protection of her most ancient ally, and the peculiar nature of the obligations which those treaties imposed on this country, to defend Portugal against all unjust attacks. He did not mean to go the absurd length of contending that England was bound by those treaties to defend Portugal, either by the employment of a military force, or even by remonstrances, when she decidedly persisted in wrong-doing; but he thought it must be admitted by all who had read the treaties, that they were bound to assist Portugal in repelling unjust aggression. It was, therefore, very material to that House to know what were the real facts of the case. The question, therefore, which he wished to put to his noble friend was, whether there existed, on the part of France, such just and urgent ground of offence as had entitled her to force the passage of the Tagus, or whether the *casus fœderis* had arrived—whether the cause of complaint was such that the aggression of France could not be avoided, and that had or had not arisen, which imposed upon us

the obligation of succouring our ally?—He hoped he had said nothing which could promote premature discussion; it had been his anxious wish to avoid it. He should therefore confine himself to the two questions—which, to avoid misapprehension, he would now repeat. The first was, whether in the negotiations which were, as it was now understood, to precede the demolition of a portion of the fortresses, France was to be called in by the four great powers as a party to such negotiations? The next was, whether the noble lord was disposed to make the House acquainted, through the means of any documents or correspondence which had passed on the subject, with the peculiar state of circumstances which had led to the attack of the French on Portugal, and brought about the events which enabled the French king to announce, that the tri-colored flag floated in the Tagus?

After an explanation from Lord Palmerston, Sir Robert Peel said he was glad to hear what his noble friend had stated with regard to those barriers, which had been most erroneously called fortresses intended to menace France, and not to protect Belgium. He again declared, that he was anxious not to excite any unnecessary discussion; but as that might be the last time any such opportunity would be afforded him, he could not allow it to pass without expressing a hope that the king of Holland would not be excluded from those future negotiations to which the noble lord had referred. It should not be forgotten, that although the fortresses were supported for the defence and protection of Belgium, they were intended still more for the defence and protection of Holland—a country in the safety and independence of which England had the deepest interest, the integrity of which country must be always, with England, an object of the most anxious solicitude. He begged, indeed, to call the attention of the noble lord to the peculiar claim which Holland possessed to be consulted with respect to the disposal of the fortresses. The noble lord must recollect the convention between this country and the prince sovereign of the Netherlands, signed in August 1814, by which it was agreed, that two millions of money, received as indemnity for claims on France, should be applied to the repair of these fortresses, for the defence of Holland, and for the exclusive support of British interests. The noble lord must recollect, too, the terms on which this large sum was thus disposed of. He must remember, that in consideration of the sum applied to the erection of the fortresses, Holland consented to cede to England, in perpetuity, the colonies of the Cape of Good Hope, Demerara, Berbice, and Essequibo. Now if Holland, in the course of the negotiations, was to be held as in no way interested in the fate of these fortresses, he would beg to ask, what recompense had she received for surrendering these colonies, which England held as a consideration and a satisfaction for the money she consented to advance, in order that these fortresses might be placed in a proper state of defence?

The papers were ordered to be printed.

PARLIAMENTARY REFORM.

JULY 27, 1831.

Lord John Russell moved the Order of the Day for the House to resolve itself into a Committee on the Parliamentary Reform Bill for England,—

The subject for discussion was the second clause of the bill, which was read as follows:—"And be it enacted, that the boroughs enumerated in Schedule B, to this Act annexed, shall, after the end of this present parliament, return one member, and no more, to serve in parliament for each of the said boroughs."

On the question being put,

SIR ROBERT PEEL rose, and spoke to the following effect:—Before we proceed to the consideration of the cases of individual boroughs included in schedule B, I intend to discuss a preliminary question of very high importance, and one that concerns the interests of the whole class of boroughs. The decision upon the general question thus raised, will be a conclusive one, and, once taken, will determine the point for each particular case, and render detailed discussion upon that point unnecessary. I propose, that each of the forty boroughs included in schedule B, instead of returning only one member, as contemplated by the

bill, shall retain its present privilege of returning two; and I shall move as an amendment on the motion of the noble lord, that the word "two" be substituted for "one." If, therefore, the House affirm my proposition, each of the boroughs will return two members, and will thus escape partial disfranchisement; and if, on the contrary, the committee shall decide that the word "one" stand part of the clause, I shall abstain from raising the question in the case of each individual borough in schedule B. I think that the course that I now propose will save the time of the House; and I entreat the most serious and impartial attention of all parties, while I state the important considerations that induce me to propose the adoption of the course that I now recommend. I am not about to recommend a discussion of the general principle of the bill; but I shall confine myself to a statement of facts, which are as well deserving the attention of those who are friendly to the bill, as of those who take the same view of it that I do. I would appeal to his Majesty's government themselves, entertaining a confident hope, that if I shall be able to adduce valid reasons for continuing to the boroughs enumerated in schedule B, the right of returning two members, my reasons will be permitted to prevail, and will induce the ministers again to pursue the honourable course which they took last night in the case of the borough of Saltash, and revoke a decision which subsequent consideration proved to be erroneous. In the first place, I contend, that the adoption of my proposal is not inconsistent with the principles of the Reform Bill. There is not a word in the preamble of the bill which points to the disfranchisement of the boroughs enumerated in schedule B. The preamble recites that—"It is expedient to take effectual measures for correcting divers abuses that have long prevailed in the choice of members to serve in the Commons House of Parliament; to deprive many inconsiderable places of the right of returning members; to grant such privilege to large, populous, and wealthy towns; to increase the number of knights of the shire; to extend the elective franchise to many of his Majesty's subjects who have not heretofore enjoyed the same, and to diminish the expense of elections." Now, I cannot deny, that this recital, if admitted to be correct, applies to schedule A, and binds us to the complete disfranchisement of those boroughs; but it has no reference to the partial disfranchisement of the boroughs in schedule B. The preamble of the bill, therefore, leaves those who entirely assent to it at liberty to vote with me. The most determined enemy to nomination boroughs may also vote with me. There may be boroughs of that description in schedule B, if reference be had to their present constituency; but other provisions of the bill will destroy that constituency, and will substitute for it a new and more extended one. I have a perfect right to assume, that after this bill shall have passed, nomination will be effectually excluded in the case of every borough named in schedule B. If it will not, why does the government reserve for these boroughs, or any of them, even the half of their existing privilege? The question is one, not of degree, but principle. The bill assumes nomination to be vicious and unconstitutional; but if it be so, it is so in the case where one member is to be returned, as well as in the case where there are two. If you suspect the existence of nomination in schedule B, your remedy clearly is, not partial disfranchisement, but complete extinction of the privilege through which it is to be effected. I repeat, therefore, that the most decided enemy to nomination is at liberty to vote with me. Having removed out of my way these preliminary difficulties, and shown this to be a question fairly open to the consideration of all parties, whether friends or enemies to the bill, I will now consider the intrinsic merit of the proposal. First, I contend, that it is recommended by long prescription and almost uniform usage, so far as England is concerned—and let it be remembered that we are now discussing the English representative system, and no other—that the usages of England in respect to representation are, therefore, mainly to be relied upon. Now, in every instance in England, in which the elective franchise is exercised, with few exceptions only, in which there is a single member, two members are returned. There are also the cases of the city of London and of the county of York, wherein there are, severally, four. 489 members sit for England, and five only, out of the whole number, sit for boroughs having a single return. A different practice prevails, it is true, in Wales, in Scotland, and in certain cases in Ireland. In the two latter cases, it was adopted at the respective periods of their union with England; but we are to consult, for present purposes, English precedent

and English usage, and not to look at the necessities which might be imposed by events so peculiar as the unions of different parts of the empire. If usage and prescription are to decide the question, the decision must be in favour of my proposal, and I contend, that the appeal to reason and good sense is equally decisive in its favour; and that, apart from all considerations of usage, that plan of representation which gives two members to certain places, in preference to one, ought to be adopted. If we were merely arguing *a priori*—if we were devising, for the first time, an electoral system for a new country—and if we should assume 500 as the proper limit to the number of representatives, it would be easy, in my opinion, to prove, that it would be better to give the right of sending two members to 250 towns or districts, rather than a single member to each of 500. By doing so, you would ensure a more perfect representation of the feelings and sentiments of the whole people; you would diminish the chances of the undue preponderance of one class of interests or opinions; and you would be more likely to effect that object which ought never to be overlooked, namely, the ensuring at all times to the minority, its fair share of weight and influence in the public councils. But I would rather confine myself to the circumstances of England, and to the state of society as it exists in this country. I appeal to those who have practical experience on this subject, and who are conversant with the feelings and habits connected with elections in England. Surely they must know, that there is an immense advantage, when contending parties are nearly balanced, in having the means of effecting an amicable compromise, and of warding off the necessity of absolute triumph and unqualified defeat. What is it that gives keenness to election contests? Not merely general politics, but local and hereditary attachments, the preference of this family to that, the influence of property newly acquired contending against that of ancient family and long-established connexion. Beware how you relinquish the only means of amicably adjusting the balance between such rival pretensions. Think of the animosity which you will engender, the more bitter as the circle is narrow within which it is confined, if there be no alternative but complete, unmitigated victory on one side or the other. How certain will be the provocation to contest on every returning vacancy, and how lasting the mortification which will follow defeat. I argue from what I know, and from circumstances of which I have had experience. I represent a borough—no nomination borough—but a borough containing near 4,000 inhabitants, in which every inhabitant householder, not in the poor-rate, has a vote, and is proud of his franchise. It returns two members, one friendly to the bill, the other hostile to it—one supporting the government, the other opposing it—one returned through the influence of an ancient name, and of all the associations which are connected with old connexions and hereditary attachments; the other through the influence of neighbourhood, residence, property, and friendly and constant intercourse. How many instances there must be where similar divisions of opinion and interests prevail; many, perhaps, in which they are very nearly balanced; and could it, in such cases, be for the public advantage, or could it promote local peace, to leave no alternative, at all times and under all circumstances, but the complete exclusion of one party and complete triumph of the other? Even on this single ground, I must contend, that my amendment would be entitled to support. But this is a narrow ground, indeed, compared with that on which I am now about to urge its adoption. I am now to consider in what manner public interests, and those of the highest concern, will be affected by its rejection. By the vote of last night, which inflicted total disfranchisement on all the boroughs in schedule A, we have made an enormous change in the representative system—a much greater change than was expected by any reformer, not a member of the king's government. By that vote, fifty-six boroughs, entitled for centuries to the elective franchise, have been destroyed; and 111 members, being far more than one-fifth of the whole English representation, will shortly cease to exist. I cannot believe that the sober judgment of the House will affirm the decisions of the committee—that no appeal will be permitted in such cases as those of Appleby, of Downton, and Plympton: but if that shall be the case—if our proceedings are irrevocable—let us, while we have yet time to repair, at least in some degree, the evil of these proceedings, maturely consider the effect of them, and their bearing, not upon this borough or that, but upon those vast interests of society which are affected by them. In this country there are two great interests, the agricultural on the one hand, and the

commercial and manufacturing on the other, having the closest ultimate connexion between their mutual prosperity, but occasionally taking very different views of the best mode of promoting their individual, and ultimately their common welfare. Let us consider how these interests are likely to be affected by those enactments of this bill which are already decided on, by those we are at present considering, and by those we shall have hereafter to consider. I hold in my hand a map of England, which has been prepared (I know not whether by a friend or an enemy of the Reform Bill), with the view of presenting, at one view, those places that are to be totally, and those which are to be partially disfranchised; and those also which are to acquire the right of hereafter returning members to parliament. Now, I propose to divide England into two great divisions, and to draw the line of demarcation in that manner, which will most fairly and effectually separate the purely agricultural counties of England from those which are either chiefly manufacturing, or partly manufacturing and partly agricultural. The line must be, in some degree, arbitrarily drawn, and, on each side of it, there must be partial exceptions; as in the case of counties which do not fall exactly within the description which I wish to assign to them; but I know no line which will better effect the object I have in view, than the one which I propose to draw. It extends across England from that indenture in the coast which is made by the mouth of the Severn, to that indenture in the opposite coast which is made by the inlet of the sea called the Wash. In short, the line may be considered to be drawn from Gloucester, in the west, to Boston, on the east coast of England. To the north of this line the great coal-field of England is situate, and the manufactures depending upon coal are chiefly carried on. The division to the south of the line includes those counties of England which are almost entirely agricultural, and in which, speaking comparatively, there is little scope for manufacturing industry. There are, I believe, eighteen counties to the north of the line, and twenty-three counties to the south of it. The northern counties are the following:—Northumberland, Cumberland, Durham, Westmoreland, Lancashire, Yorkshire, Cheshire, Derbyshire, Lincolnshire, Nottinghamshire, Staffordshire, Shropshire, Monmouthshire, Herefordshire, Worcestershire, Warwickshire, Leicestershire, Rutlandshire. The southern counties are:—Hertfordshire, Essex, Suffolk, Cambridge, Bedford, Huntingdon, Northampton, Norfolk, Kent, Surrey, Sussex, Hampshire, Wiltshire, Dorset, Devonshire, Cornwall, Somersetshire, Gloucestershire, Berkshire, Buckinghamshire, Oxfordshire, and Middlesex. Now let us examine, how the schedules and enactments of this bill affect these two divisions of England, and the interests which are connected with them. Fifty-six boroughs, returning 111 members, included in schedule A, have been already doomed to destruction; five only of these boroughs are to the north of the line, fifty-one are to the south. The counties north of the line lose only ten members, while the counties south of the line lose 101. So much for schedule A. I will proceed to schedule B. By schedule B, forty-one boroughs are to lose each one member. At the commencement of these proceedings, the number was forty, but the transfer of Saltash from schedule A made the number forty-one. Of these forty-one boroughs, only eight are to the north, while thirty-three are to the south of the line. Thus, the northern division will lose sixteen members, while the southern will lose sixty-six. From this it will appear, that the combined operation of schedules A and B is, that the manufacturing counties will lose eighteen members, while the agricultural counties will lose 134 members. I should be quite aware, even if the noble lord opposite were not taking notes of what I have said, that the boroughs in schedule A, being nomination boroughs, and in a great measure aiding the commercial and colonial interests, their loss cannot be fairly said to be entirely an injury to the agricultural interests. I do not deny that there is considerable force in this argument. But the argument has no reference to the forty boroughs in schedule B, which are avowedly not nomination boroughs. It cannot be denied, that the forty members to be returned under schedule B will be indebted for their election to local considerations, and will be bound to consult the especial interests of their constituents. I, and others, may think it unwise to make local interests exclusively predominate; but they will predominate; and forty new members, given to the boroughs in schedule B, to be returned hereafter, not by nomination, not by corporations, not by absent free-men, will be purely local representatives, and, in this sense, will be a clear gain to

the districts from which they are sent. I say, then, here is an excellent opportunity to redress, in some degree, the wrong inflicted by schedule A, by enabling each borough in schedule B to return two members instead of one. I should rather say, by permitting them to retain their ancient right and privilege. So much for the destructive part of the bill; I will now proceed to the constructive portion of it, and I will enquire, whether it tends to restore the equipoise between the manufacturing and the agricultural interests, which the other part of the bill so seriously disturbed? Quite the reverse. So far from offering any compensation to the agricultural division of the country for the losses sustained from schedule A and schedule B, it makes matters infinitely worse: so far from offering any thing like an equivalent, the preponderance of the northern counties is increased greatly by this part of the measure. I again refer to facts. Schedule C creates twelve new boroughs, which are to return two members each. Every one of these boroughs, with the exception of the metropolitan district boroughs, and two others, is to the north of the line. Now, with respect to the metropolitan district boroughs, although it is certain that they are to the south of the line, yet it is as certain that their creation, so far from being advantageous to the agricultural interests, is calculated to operate in an exactly opposite direction; because, if even the interests of manufacturing towns shall conflict with the interests of the agricultural districts, the metropolitan members will unite with the former, rather than with the latter. Putting aside, therefore, the metropolitan districts, Finsbury-square, the Tower Hamlets, and so forth, with which agriculture has no sort of concern, the only two towns on the south of the line gaining two members by schedule C, are Frome and Devonport. Thus, out of the twenty-four members to be returned for these boroughs, no fewer than twenty are to be returned, either from boroughs northward of the line, or from the metropolitan district boroughs. Now for schedule D. By schedule D twenty-six boroughs are to be created, each to return one member. Twenty-four of these twenty-six are absolutely on the north of the line. Only two are to the south of the line. What are the two? What are these two strongholds of the agricultural interest which are allotted to us out of the twenty-four? Why, they are worse than nothing; two overgrown watering-places, Cheltenham and Brighton. What, then, will be the aggregate effect of this bill? What is the balance of loss and gain? The total loss of the division south of the line is 134, the loss of the division north of the line, eighteen. And when we proceed to look further into the constructive clauses, to see what new members are given, we find that the gain of the division south of the line is, excluding the metropolis, and throwing in Cheltenham and Brighton, six members: that of the division north of the line, thirty-three. Now these being the facts of the case, this being the balance of loss and gain, I ask whether my proposal is an unreasonable one—that each of the boroughs in schedule B, forty in number, thirty-three of which are to the south of the line, should retain its existing right, and continue to send two members to parliament? I do not call upon you to restore schedule A; I assume that you will adhere to it; that you will disfranchise every one of the fifty-six boroughs which it includes, but I entreat you to pause before you proceed further; to consider the extent of the change you have already made, and the hazard of unsettling and deranging a balance which time, rather than reason, has adjusted, but which may not on that account be the less conformable to justice. Has there been, hitherto, any undue and unjust protection to agriculture? Have manufactures languished for the want of representation? And—founded on property, on numbers, or on past neglect—have they a just claim for that great preponderance in representation which they will have in the new system as compared with the old one? Bear in mind, that commerce and manufactures have a great advantage in this respect over agriculture. With equal numbers of representatives they may exercise a much more powerful influence on the public councils. The power which agriculture can bring to bear, is more isolated, more dispersed, than that of manufactures. It has less of activity and energy, and cannot be combined and brought to bear on one point by simultaneous action, like that of commerce and manufactures. The influence of the press, whether it be for good or evil, tells more rapidly and contagiously on the aggregate societies of towns, than on the inhabitants of country districts. Political unions, and all the devices which, by means of combination, give to men acting in concert a moral force greater than their actual numbers, tend to increase the influence of a manufacturing

as compared with an agricultural population. Every consideration, then, derived from the nature of landed property—from its liability to the envy and rapacity of the many—from the position, habits, and characters of those who occupy it, enforce the policy and necessity of providing carefully and permanently for its protection. Consider the class of voters whose privileges would be extended by the adoption of my amendment. They would be the small occupiers of houses and land in agricultural districts in the neighbourhood of small towns. Speaking generally, their interests would be identified with those of agriculture, themselves being either directly engaged in it, or dependent upon its prosperity for their own. If you tell me they are an unenlightened class—I answer, enlighten them by their admission to civil privilege; rub off the rusticity of their habits; extend their contracted views, by inviting them into the contentions of political and party struggles. It was with this object that, in framing the jury bill, I purposely called this class into increased action, and sought to familiarize them with the performance of civil duties, and to multiply their points of contact with the more intelligent inhabitants of towns. Granted, that they are indisposed to innovation—that their disposition is to maintain things as they are—that they are governed by local ties and by personal attachments, rather than by considerations of general politics—it is on that very account that I conjure you to extend their influence: they constitute the ballast of the vessel of the state. Beware how you heave it overboard, under the fatal impression that it is an useless encumbrance, occupying space that might be more profitably employed. It may at times retard the velocity of your movement: it may make you less obedient to the sudden impulse of shifting gales; but this, and this alone it is, that enables you to extend your canvass, and ensures the steadiness of your course, and the security of your navigation. In the most perfect contrivances of mechanical skill, there are dead-weights, that may seem to the superficial observer to answer no useful purpose; there are opposing movements, which the ignorant may consider to be produced by a wasteful application of power; but these are, in fact, the devices of consummate ingenuity to check superfluous and extravagant force, and, by controlling the useless and irregular rapidity of parts of the machine, to smooth and harmonize the action of the whole. In the working of political mechanism similar effects may be produced by giving to that class of the constituent body, to which I have been referring, and to that class of representatives whom they will probably select, not a preponderance, but a just influence in the state. This bill makes ample provision for the introduction of active and enterprising talent into the future House of Commons. The same arts by which the favour of popular constituencies has been secured out of doors, must be resorted to within. We shall have abundance of young and zealous advocates for the improvement of the political system—sincere and honest in their endeavours to effect that improvement—but too much disposed to overlook the difficulties and the hazards of perpetual change. They will be influenced by the double stimulus of too sanguine expectations of the good to be effected by innovation, and of pleasing constituents as impatient as themselves of partial evil or temporary distress. Who is to oppose them? Who is to give that advice, and utter those warnings, which a longer experience in public life, and calmer and profounder views of public affairs, may dictate? Will those men, whose judgment has often swayed the decisions of this House—men of retired habits, averse to the bustle of contested elections, disqualified by age and inclination from competing with younger and more active spirits—will they, in the due proportion, find their way within these walls? Take a man like Mr. Sturges Bourne, for instance—and I name him with respect and honour—can there be a doubt of the value of his opinions, and the general soundness of his views? You have closed to him, and the class of which I have made him the representative, those avenues to this House which were opened to them by the small boroughs. Is it likely that they will seek the favour of very large constituent bodies? Even if they do, do they not incur obligations tending to diminish that peculiar influence and usefulness which I have assigned to them? Now, if you adopt my proposal—if you give to the towns in schedule B eighty, instead of forty members—you will facilitate, to a certain degree, the return of that class, whose exclusion will be not a private, but a public misfortune. These, Sir, are the combined considerations on which I rest my proposal. I ask you

to redress an inequality in your scheme of representation unfavourable to the southern division of England, and to the interests which are connected with it; to do this—as you can do it—without violating any one principle of the bill—without reviving one nomination borough—without depriving any class of the advantages you propose to confer upon it. Let Ireland—let Scotland—let Wales—each have the increase of members which you propose to allot to her. I ask for no increase to England; but why diminish its present number? I want forty members to effect my object; and, by a strange coincidence, I find exactly forty vacancies arising thus:—You propose to diminish the present number of the English members by 154: you add 114 new members, by enfranchising towns and adding to county representation; there remain forty. Dispose of them, by acceding to my proposal, and you maintain the existing, the long-established amount of English representation. You do more—you avoid an extent of change that is not required to satisfy the preamble or fulfil the principle of your own bill. Why make wanton innovations? Why not rest satisfied with the destruction already completed? Why not give a fair trial to your own scheme; and, after having destroyed every nomination borough—having extinguished above one-fifth of the English representation—be content, for the present, with a much greater change in government than was ever yet attended with success? If you disregard my opinion, listen to the counsel of one of your own body, who has cast a retrospect on history with the eye of a philosopher rather than that of an annalist, and has taught us how we may benefit by the lessons which wisdom gleans from experience. In taking a review of the institutions of the Anglo-Saxons, in the first volume of his History of England, Sir James Mackintosh condemns the narrow, unphilosophical spirit in which the antiquaries of the seventeenth century investigated the state of our ancient constitution, and raises a warning voice against short-sighted legislation and rash experiments in government, which, if not intended, is, at any rate, admirably adapted, for our instruction. After blaming the prejudiced views of the Tories, he proceeds thus:—“The Whigs, with no less deviation from truth, endeavoured to prove, that the modern constitution of King, Lords, and Commons, subsisted in the earliest times, and was then more pure and flourishing than in any succeeding age. No one at that time was taught, by a wide survey of society, that governments are not framed after a model, but that all their parts and powers grow out of occasional acts, prompted by some urgent expediency, or some private interests, which in the course of time coalesce and harden into usage; and that this bundle of usages is the object of respect and the guide of conduct, long before it is embodied, defined, and enforced in written laws. Government may be, in some measure, reduced to system, but it cannot flow from it. It is not like a machine or a building, which may be constructed entirely, and according to a previous plan, by the art and labour of man. It is better illustrated by a comparison with vegetables, or even animals, which may be, in a very high degree, improved by skill and care, which may be grievously injured by neglect, or destroyed by violence, but which cannot be produced by human contrivance. A government can, indeed, be no more than a mere draught or scheme of rule, when it is not composed of habits of obedience on the part of the people, and of an habitual exercise of certain portions of authority by the individuals or bodies who constitute the sovereign power. The habits, like all others, can be formed only by repeated acts; they cannot be suddenly infused by the lawgiver, nor can they immediately follow the most perfect conviction of their propriety. Many causes have more power over the human mind than written law; it is extremely difficult, from the mere perusal of a written scheme of government, to foretell what it may prove in action.” These, Sir, are truths which no sophistry can evade; and if they be truths—if it be justly and wisely said, that government is not a machine which can be constructed by the art of man, according to a previous plan—if habits cannot be infused by lawgivers—if many causes have more power over the human mind than written law—above all, if it be extremely difficult, from the perusal of written schemes of government, to foretell what they may prove in action,—then I conjure you, who are sitting in judgment on the British constitution, to distrust your own sagacity, and to retain, as far as it be possible, that hold on the mind of man—those motives to willing

obedience—which are supplied by ancient usage and the habitual deference to authority.

In reply to Lord John Russell, Sir Robert Peel said, the noble lord seemed to have misunderstood one part of his argument. The noble lord could see no reason why Mr. Sturges Bourne should not ask for the suffrages of the electors of Lymington. Now, what he (Sir R. Peel) said was, that these places were the only ones to which men of retired habits would repair in order to effect their return to parliament; and therefore he contended, that they ought to be allowed to send two members instead of one.

On a division, the numbers were: for the amendment, 115; against it, 182; majority for the clause, 67.

On the question that the borough of Chippenham stand part of schedule B, Captain Boldero denied the accuracy of the population returns of 1821, respecting that borough, and offered to prove their error by evidence.

Ministers objected to this offer.

Sir Robert Peel called the particular attention of the committee to the case. The offer of the hon. and gallant member was such as he apprehended could not be refused. The further they proceeded, the more he became convinced, that a great error had been committed in not referring the whole of these details to a select committee. In 1821, by the population returns, there were in Chippenham borough and parish, 576 inhabited houses. He turned to the population return of 1811, and by that it appeared, that there were in Chippenham borough and tithings, 668 inhabited houses. It was clear, therefore, that there must be some mistake. Surely that was a very strong presumptive proof, that the hon. member might be able to show that there had been some great error in the other point.

Mr. Pusey stated, that by the population returns of 1821, Chippenham was rated at 521 houses, and 3,600 inhabitants; but he was in possession of a parish document, which proved, that in 1821 there were 756 houses. He had no doubt, that at present the place contained 4,300 inhabitants.

Sir Robert Peel begged to add, that in 1811 there were thirty-three uninhabited houses, and in 1821 nineteen; so that, by comparing the two returns, 100 houses and upwards, unless it were asserted that they had been taken down, had not been accounted for by the latter return.

Lord Althorp admitted, that there might have existed a mistake in the return of the number of houses in Chippenham, but denied that such a mistake involved another in the population return; and as to calling evidence to prove in what the mistake consisted, where, he might ask, was such to be had? How was it possible for any one to be cognizant of the population of Chippenham, except the person who had made the return on oath; and how could he be examined as to the credibility of his own return? He had little doubt there was a mistake in the return of the number of houses, but he had just as little doubt that the error had not extended to the population return.

After some farther remarks from Mr. Sanford, Sir C. Wetherell, and Lord Althorp,—

Sir Robert Peel said, that there was one broad fact staring them in the face, which was, that there were 105 houses in Chippenham missing from the census of 1811. In that year the number was 705: and in 1821 the number returned was 600. It had been urged as a reason for this decrease in the number of inhabited houses, that trade had declined, that persons had become bankrupts, and that housekeepers had given up their residences, and taken themselves off elsewhere; but such was evidently not the fact, because the population of 1811 was greater in proportion, and the houses were more thickly inhabited, than in 1821; and when the noble lord talked of the difficulty of procuring any evidence on this subject, he must be suffered to remind him, that probably the man who made the return of 1821 was in existence, and to be found, and he could be brought forward to state the reason for having omitted to reckon so large a number of houses as 105 in the return made by him. He did not ask to have evidence generally, since such had been rejected; but, at all events, let the case of Chippenham be an exception to the others, having so fair a claim to that exception, until the facts were placed rightly before the House.

Later in the debate, Sir Robert Peel, in reply to Lord Althorp, said, in urging

the noble lord to assent to the proposition for delay, and enquiry into the discrepancy between the population returns before the House, he did not want to throw unnecessary obstacles for the purpose of delay in the way of the bill. Let them drop Chippenham till enquiry had been made, it being evident there were no authentic data for them to legislate upon yet furnished, and proceed with the next borough on the schedule; and should it appear that the population did not exceed the line, he, for one, would vote for retaining it in its present position. They had disposed of several boroughs this night without meeting one which had such claims for consideration, and it was probable they should meet with no more such. He would therefore suggest, that a committee should be appointed to examine the returning officer, who was now in town, and they could proceed with other boroughs without establishing an inconvenient precedent.

On a division, the original question was carried by 251 against 181, majority 70; and Chippenham was added to the schedule.

JULY 28, 1831.

On the motion respecting Cockermonth,—

SIR ROBERT PEEL said, he should certainly spare the time of the committee, as he thought it unnecessary to trouble them after what had occurred last night in the case of Chippenham, when it was proved to the satisfaction of every man in the House—[“No, no!”] He felt it rather extraordinary that he should be interrupted in the middle of a sentence, when it could not be known to hon. members what he had to say. What he intended to have said was, that it was proved to the satisfaction of every member of that House, that no dependence could be placed on the returns of 1821. It was proved with regard to one point, that 106 houses of that place had been left out of the returns, and yet the committee had refused to hear any evidence as to how that error had arisen. His determination was taken, not to trouble the committee with any details concerning schedule B; for he now despaired, whatever case should be made out, of the committee doing any thing but condemning all the boroughs in the schedule.

On the motion that Dorchester stand part of schedule B,—

Sir Robert Peel said, he thought that there were very good reasons for giving to the borough of Dorchester the advantage of its connection with Fordington. The two places were one continuous town. Although Fordington was not in the borough, yet it constituted a part of the town; and, according to the principle by which ministers had been guided, there appeared good ground for constituting an exception in favour of Dorchester. But, supposing that were not the case, then he admitted that the population of Dorchester was not sufficient to exempt it from the line laid down by the noble lord; but in making that admission, he clearly proved the absurdity of that line, because a borough was about to be disfranchised which it was admitted was most perfect. He would call the attention of the House to what he considered a more important principle. The constituency of Dorchester consisted of every inhabitant householder who contributed to the local charges. These in number amounted to 500; but the new rule would deprive the town of 200 of these, and would confine the constituency to 300 votes. It might be said, that he was stating this for the purpose of exciting dissatisfaction amongst those who would be disfranchised by this bill; but he wished explicitly to declare, that he would never ally himself with those whose object was to excite dissatisfaction amongst any class whatever. He must say, however, that it was a fatal error in this bill, that when the opportunity offered of maintaining the connection between the wealthy class of voters, and that class which was above pauperism, but below the line of being £10 householders, they neglected it, and thus lost the fair opportunity of softening the harshness of the arbitrary line which they had laid down. The government ought to have, in this instance, given the franchise to all those who were above pauperism. He did not mean to say by this that the people had the right to the elective franchise, for all they had a right to was to be well governed; but, by refusing the franchise under such circumstances, they were diminishing the chance that this arrangement would be final. It might be alleged that these poorer householders would be more open to bribery; but he could truly say, that, as far as his

experience went, they were not in the least more open to bribery than the voters for residences of £10 value. The House had only to look at Liverpool to be convinced of that fact. He did not mean to contend for the indiscriminate admission of all the class of voters to whom he alluded; for he was aware that in manufacturing districts the franchise to £10 householders would be almost equivalent to universal suffrage. The very ground, therefore, on which he would refuse the franchise to householders under £10 in a manufacturing town, would be the same as that on which he would desire to continue it to Dorchester. The rule laid down of £10 qualifications, would admit in one place a lower class of voters than could be found in the £5 houses of the other. Here there was a case in which ministers might, with perfect safety, have permitted 500 householders to preserve their franchise; and, so far from disfranchising the borough, he thought that they ought to have seized the opportunity of continuing to it its present privileges as soon as they discovered that they could do so without violating their own arbitrary rule.

On a division, the original motion was carried by 279 against 193; majority, 86.

JULY 29, 1831.

On the question, "That the borough of Malmesbury do stand part of schedule B,"—Lord Althorp moved, that the further proceedings of the committee be deferred, and that the chairman do report progress.

On the chairman putting the question,—

SIR ROBERT PEEL wished to have some understanding with the noble lord, the Chancellor of the Exchequer, as to their sitting to-morrow. He thought they had better go on to the usual hour (it was then half-past twelve) that evening, and adjourn over, as usual, to Monday. Besides that the noble lord's motion took them all by surprise, it was contrary to an understanding which he had had with the right hon. the first lord of the Admiralty, respecting the progress of the bill. Unless some hours of relaxation were afforded hon. members, it would be physically impossible to do justice to the important measure before the House. The proposal for sitting to-morrow was, moreover, a direct violation of the noble lord's own former arrangement, to which the House had assented; and he had little doubt that many hon. members, relying on that arrangement, had paired off that evening, and gone into the country for the purpose of obtaining a little necessary recreation.—Ministers were as fully aware a week since as now, that it was his Majesty's intention to open London Bridge. There was ample time, therefore, to have given notice of the intention to sit on Saturday.

The committee divided on the question, "That the chairman do ask leave to sit again to-morrow:"—For the motion 216; against it 143—majority 73. House resumed. Committee to sit again the next day.

AUGUST 2, 1831.

In the discussion on the question that the borough of Sudbury stand part of schedule B,—

SIR ROBERT PEEL maintained, that no stronger case could possibly be brought forward than that of Sudbury. Undoubtedly Ballingdon was part of the town, and undoubtedly it had more than 4,000 inhabitants in 1821. The noble lord, who took a different view, had only two things to rely upon; first, that Ballingdon was not part of the parish of All Saints; and secondly, the act for paving and lighting in 1825. Now, that Ballingdon was part of the parish, there really could not be a rational doubt—it paid taxes, tithes, and church-rates, as part of the parish—it appointed one of the churchwardens—it had no chapel of its own, so that all the ceremonies relating to births, deaths, and marriages, were performed at the church of Sudbury. In a word, Ballingdon was part of the parish of All Saints for all legal purposes, and how or why should they then deny the relation? Then as to the act, he observed, that it was, in itself, a most preposterous piece of legislation; it consisted of 120 clauses, and one of them provided, that all houses thenceforth built in Sudbury should be perpendicular. Besides, no argument could be drawn, even respecting the limits of the borough, from such an act. There were numerous in-

stances in which parts of boroughs had been known to be left out in such acts; and here there was an especial reason why the hamlet of Ballingdon should be omitted. It lay in the county of Suffolk, wherein the magistrates of Essex had no jurisdiction; there were, therefore, cogent legal reasons why Ballingdon should not be included in the act. He insisted that no claim could be more satisfactory, or more clearly established, than that which had been set forth for the borough of Sudbury; and he considered the ministers need not hesitate to do justice in this case, because it was one essentially peculiar, and could not be possibly drawn into a precedent.

On a division, it was carried by 157 against 108, majority 49, that Sudbury stand part of schedule B.

On the question, "that Manchester, including the townships of Manchester, Chorlton-row, Ardwick, Beswick, Hulme, Cheetham, Bradford, &c., stand part of schedule C,"—

Sir Robert Peel said, they were now out of the disfranchising clauses, and were proceeding to those of enfranchisement, and he rose to protest against that part of the bill which had for its object to enfranchise large towns at the expense of boroughs. If these were considered as spoils taken from places which had long enjoyed the privilege, he should decidedly object to the principle. He objected also to the principle, because it went to enfranchise so many towns. At the same time he was called upon to state, as he had done previously to the dissolution, that, looking at the difficulties which the government had to contend with—and though differing as he did from a majority of the House on the subject of reform, and taking into account the circumstances of the country—he should not throw any obstacles in the way of a moderate reform. As a member of the late government he had opposed the enfranchisement of large towns, not because he apprehended any immediate dangers from such a measure, but because he was afraid of entertaining the question of reform at all, and was fearful that any plan of reform, limited exclusively to enfranchisement, proposed by a government which had been previously opposed to all reform, would not give satisfaction, and would not, probably, be permanent, considering the feeling of the country on the question. On coming to schedule C, he should consider himself privileged to object to any of the clauses, particularly if those clauses should be urged on the ground that the boroughs in schedules A and B had been disfranchised, and that the vacancies caused by the disfranchisement must be filled up. What he meant was, that he would not consent to any enfranchisement on the ground that disfranchisement must be a necessary preliminary. With regard to the first clause, and notwithstanding the feelings of the country, he must say, that disfranchisement as a rule was unjust, and on that point he was prepared to yield nothing. Having regard to the prevailing opinion of the country, however, he thought it impossible to deny the right to Manchester, the first place mentioned in the schedule, to send members to parliament; but he thought that the principle of disfranchisement was unjust. He thought the rule adopted by ministers an absurd one. There was no sufficient ground, in his opinion, for disfranchisement; but he was not prepared to say that he would not yield on the score of enfranchisement. He thought that it was impossible to contend against the feeling of the country on the subject, and he was not disposed to diminish the favour of concession by unavailing opposition. But if he were proposing enfranchisement, he should say, that in all cases he would give the enfranchised place two members, not one. That was, if he had fifty members to give, he would select twenty-five places, and give each place two members, rather than select fifty places, and give to each one member. He certainly thought that the enfranchisement proposed was much too extensive; but as it was, if priority were given to any place, Manchester certainly deserved to be the first place enfranchised. Birmingham also was fairly entitled to the same advantage, and then followed Leeds, which ought to have the same privilege. On former occasions these were the towns to which it was proposed to give the forfeited franchises: then the franchise of Penryn was to be given to Manchester, that of Grampound to Leeds, and that of East Retford to Birmingham. That was proposed by those gentlemen who were favourable to the transfer. To the three towns which stood first he had no objection; to the fourth town on the list he should object. He never could have supposed, when he heard of a Reform Bill, that Deptford, and Greenwich, and Woolwich were to send members to Parlia-

ment. He believed, too, they dreamed as little of it themselves as he did. He understood that the principle of the bill was to destroy nomination boroughs; and yet it was proposed to give the franchise to Woolwich, Greenwich, and Deptford, places under the immediate influence of government, and by that means to constitute an enormous nomination borough. He objected also to the enfranchisement of the metropolitan districts. If it were desirable to give those districts increased representation, he should prefer doing so by adding two members to the county of Middlesex. The proper principle upon which to give representation was population, in order that large masses of the people might have a voice in the representation. On these grounds, and seeing the impossibility of resisting the proposed enfranchisement to certain large towns, he would not waste the time of the House by discussing or opposing the enfranchisement of Manchester, Birmingham, or Leeds; and no man more sincerely hoped that this change would turn out for their good. Taking, however, any single case—taking the town of Manchester, and the description given of it by hon. members, as to its increase in population, wealth, and industry—he would ask, was not this very increase the best proof that the right of sending representatives was not necessary to improvement, and that towns could flourish without having representatives within the walls of the temple of the state? Enfranchisement certainly was consistent with the practice of former times; but it ought to be recollected there was no corresponding disfranchisement. On these grounds he would not make any objection to the enfranchisement of the first three towns in C; but he should reserve the right to deliver his opinion on all the other places included in that schedule. When the committee came to Greenwich, Deptford, and Woolwich, he should move, as an amendment, that they be omitted, because he considered they were under influence—because it was dangerous to give the franchise to places in such proximity to the House—and because, both from moral and physical strength, they might influence the deliberations of that House. For these reasons he would take the opinion of the committee on giving the franchise to Greenwich and other places close to the metropolis. But he should consider himself at liberty to form what opinion he pleased with respect to the other proposed boroughs. He should certainly propose that Greenwich be omitted from the schedule C, and take the sense of that House on the question; because he objected to the undue influence which the metropolitan districts exercised over their members.

In reply to Lord John Russell,

Sir Robert Peel said he wished to make one or two observations on what had fallen from the noble lord opposite. The noble lord could not imagine how any person could support enfranchisement without disfranchisement. But he told the noble lord, that one was a question of expediency and the other of justice; and those who might be prepared to yield to the point of expediency, might still think themselves justified in resisting proposals which, in their opinion, were founded on injustice. But the noble lord had said, "You who have been against reform never should be a reformer: you are cut off from all possibility of ever becoming a reformer; and not even the circumstances of the country (altered in consequence of one government leaving office because they would not concede reform, and another coming in pledged to grant it; altered by the sanction of the king's government, and the king's name being given to their plan of reform, and by the weight and influence of the royal character being taken away from the constitution, as it had hitherto existed, and transferred to the support of an extensive change) will form any excuse for your turning reformer." And was it the noble lord who said, that he ought to allow no change to take place in his opinion, on the subject of reform? Had he ever taunted the noble lord with a departure from his principles? Had he said, that he would bind the noble lord down to the opinions which he had formerly expressed? If the noble lord's doctrine, that no change should take place in a man's opinions was to be considered as correct, what must be the feelings of his two right hon. friends opposite (probably Mr. Grant, and Viscount Palmerston), who, for fifteen years past, had distinguished themselves for their adherence to the political opinions of Mr. Canning, whose domestic policy was marked by the most decided resistance to reform in every shape? But did he deny to the noble lord, and his right hon. friend, the perfect right to take what course they thought fit, on account of the altered circumstances of the country, on the question of reform? Had they any

other reason or pretext to assign for their support of the present measure, except the altered circumstances of the country? In 1826, when the application of the forfeited franchise of Grampound came to be considered, what course did his noble friend (Viscount Palmerston) take? Did he concur in the expediency of transferring it to some large town, or did he not rather adhere to the policy of Mr. Canning, and vote for transferring it to the neighbouring hundred? Had he (Sir Robert Peel) even insinuated that there was any thing unworthy in the course which the noble lord (Lord John Russell) had pursued? But he thought that the noble lord, after the speeches which he had made, and the able treatises which he had written on the subject of reform, and flanked as he was on the right hand and on the left by persons who had always opposed reform, should be the last person to taunt his opponents with change of opinion on the subject of reform. He knew not what possible advantage would result to him by changing his opinion, if change there was. He had uniformly held the same language since the question had been under consideration. After the change of government had taken place, he declared, that rather than risk another change of government in the then state of the country, he would lend his assistance to the government, in the hope that some moderate plan of reform would be proposed, to which he should be able to give his consent with justice. He still adhered to his declaration, and would support such parts of the bill as he could without violation of principle, and perpetrating injustice; and, in spite of the taunts of the noble lord, he intended to persevere in the course he had marked out for himself.

In reply to some farther remarks from Lord John Russell, Sir Robert Peel said, that he was willing to adhere to his opinion, and not take any share in the government. He was ready to pay that penalty for his opinion. He would not be a party to the hazard which he thought they were incurring by this bill. He would infinitely prefer paying the penalty of permanent exclusion from office, to sharing the noble lord's responsibility. But the proposal which he had made to-night was, in reality, the proposal which the noble lord had himself made a few years ago. The noble lord had thought proper to change the proposition which he first made, to grant compensation to the disfranchised boroughs, in consequence of the altered condition of the country, and that was the excuse he then offered for his own change of opinion—viz., the altered circumstances of the country.

Sir Robert Peel, in reply to Lord Althorp, said, that at present, from recent experience, he had great objection to enter into any arrangement at all. He did not mean to oppose any unnecessary obstacle to proceeding with the rest of the clause. He would, therefore, let Birmingham, Manchester, and Leeds pass, without opposition, for the present. To-morrow, the committee might take the discussion on the rest of the schedule. If it should turn out that there was any thing to be urged, as to the local districts of the three places which he had just named, perhaps the noble lord would permit them to agitate it to-morrow.

The original motion was agreed to.

THE KING'S MESSAGE—PROVISION FOR THE PRINCESS VICTORIA.

AUGUST 2, 1831.

Lord Althorp brought up a message from his Majesty to the following effect:—

“WILLIAM R.—His Majesty taking into his consideration, that since the parliament made a provision for the support of her Royal Highness the Duchess of Kent, and the Princess Alexandrina Victoria of Kent, circumstances have arisen which make it proper that a more adequate provision should be made for her Royal Highness the Duchess of Kent, and for the honourable support and education of her Highness the Princess Alexandrina Victoria of Kent, recommends the consideration thereof to this House, and relies on the attachment of his faithful Commons, to adopt such measures as may be suitable to the occasion.”

Message to be taken into consideration to-morrow.

AUGUST 3, 1831.

On the motion of Lord Althorp, the House resolved itself into a Committee, to take into consideration the message from his Majesty, respecting a further grant of money to the Duchess of Kent and Princess Victoria.

His lordship then, after an explanatory statement, moved the following resolution:—"That it is the opinion of this committee, that his Majesty should be enabled to grant a yearly sum, not exceeding £10,000, out of the Consolidated Funds of the united kingdom of Great Britain and Ireland, for a more adequate provision for her Royal Highness the Duchess of Kent, and the honourable support and education of her Royal Highness the Princess Alexandrina Victoria of Kent; and the said yearly sum to be paid from the 5th of January, 1831."

Mr. Hunt moved, as an amendment, the substitution of £5,000 for £10,000.

Sir Francis Burdett agreed with the noble lord (Althorp) in thinking, that no person ought to consider the proposed grant immoderate.

SIR ROBERT PEEL quite concurred with the hon. baronet, that it was better suited to the dignity of this country to make a just and independent provision for the maintenance and education of the heir-presumptive to the Throne, considering her age, than to leave her dependent on the voluntary, though very honourable bounty, of a near relation, now the sovereign of another country. He could not conceive it possible for any person possessing a proper feeling for the honour of his country, to desire to restrict the public bounty, in order to make the heir-presumptive dependent for maintenance and education on her relations. The grant proposed appeared to be liberal, and it ought to be so. It was not, however, more liberal than just, and he should give his cordial support to it, in preference to the amendment of the hon. member for Preston. Gentlemen were all aware of the claims made upon the liberality of persons in exalted situations. The hospitality which they exercised was nothing more than that decent hospitality which was frequently displayed by persons of less dignity; and it did not fail to serve as a great stimulus to the trade and manufactures of the country. These exalted personages were also large subscribers to many useful charitable institutions; and he was bound to say, that much more of this grant, contrary to what people generally imagined, would be expended in promoting public objects, than in maintaining the splendour of the individual to whom it was granted. It was quite consistent in those gentlemen who were advocates of popular principles, to be likewise the advocates for a suitable provision being made to those who governed the country; so that they might have the means of introducing themselves to the best society, and of accustoming themselves to that intercourse with their subjects, which was much more necessary on the part of the monarch of this country, than on the part of a despotic sovereign. As he could not see how this desirable object could be obtained at a less expense, he should vote for the proposition of the noble lord.

The committee divided on the amendment, and the numbers were—Ayes, 0; Noes, 223—majority, 223.

Original resolution agreed to.

PARLIAMENTARY REFORM BILL.

AUGUST 3, 1831.

The House having resolved itself into a Committee upon the Parliamentary Reform bill for England,—

The first question was, "That Greenwich, including the parishes of Greenwich, St. Nicholas and St. Paul, Deptford, and Woolwich, Kent, form part of schedule C."

SIR ROBERT PEEL said, before they proceeded further, he wished to ascertain the construction which was to be put upon the twenty-fifth clause of the bill, which had a material bearing upon the present question. By that clause it was provided,

"that so far as it relates to any city or borough (except those enumerated in the said schedule A), which now has the privilege of sending a member or members to parliament, but does not contain of houses, warehouses, and counting-houses, more than 300 in the whole, such houses being assessed to the duty on inhabited houses, upon a yearly value of not less than £10, or such houses, warehouses, or counting-houses, whether separately, or jointly with any land occupied therewith, being of the clear yearly value of not less than £10, or being rated to the relief of the poor upon a yearly value of £10, the said last-mentioned commissioners, or the major part of them, shall within — months after the passing of this Act, proceed to incorporate with any such city or borough, for the purposes of this Act, any one or more parishes or townships, the whole or a part of which may be situated within, or adjoining to, such city or borough." What he wished to know was, whether, supposing a city or borough had more than 300 houses rated at £10 a year, the commissioners were empowered to annex adjoining parishes to places so circumstanced?

Lord John Russell said, the intention of the planners of the bill was, that the twenty-fifth clause should be taken in conjunction with the twenty-fourth, by which the commissioners would be authorized to declare the boundaries of cities and boroughs, and to incorporate adjacent townships, even though such places with which they were to form a part, should contain more than 300 £10 houses.

Sir Robert Peel understood by this, that the commissioners had power in all cases to annex the adjoining parishes to a city or borough, at their discretion.

Lord J. Russell said, it was so intended.

Sir Robert Peel said, he had not asked the question to provoke a discussion on that clause, but merely for the purpose of clearing away a doubt on the provisions of a subsequent clause, which had a material bearing on that now under their consideration. The question then before the Committee was, that Greenwich, Deptford, and Woolwich, should acquire the right of sending two members to parliament. He thought these places ought not to acquire that right. In considering the matter, he would cautiously abstain from entering into observations respecting the principle of the bill, reserving to himself the full right of speaking upon it when the report was brought up, and on the third reading. He meant, as he had done throughout, in discussing any of the details of the bill, to confine himself to the special circumstance under consideration. In this stage of the proceedings, he thought it would be more convenient to assume, that what had heretofore been done, had been done well, and justly, and rightly. Conceding this, therefore, for the present, he begged to state, that he saw no peculiarity which would entitle these places to return members to parliament. Assuming that they had dealt fairly and justly by schedules A and B, and that the franchises which were forfeited should be transferred to other more populous and wealthy places, still, he must deny that the selection of Greenwich and Deptford was justifiable, even according to the principle of the noble lord's bill. He would avoid all reference to the discussions which had taken place as regarded schedules A and B; but he felt it his duty at once to object to the granting the metropolitan districts that vast influence in the representation of the country which this bill would confer upon them. He would also state, that he was perfectly willing, in order to avoid unnecessary delay, to take Greenwich as a fair specimen of the suburban parishes which were to receive representatives, and to consider the division he meant to take upon this question as decisive of all the other districts. Certainly, he had been much surprised to find Greenwich, Woolwich, and Deptford, included amongst those places which were to be enfranchised. It was said, that Greenwich had heretofore exercised the right of sending members to parliament; but the noble lord could not, surely, rely upon that fact. He admitted that Greenwich had formerly sent a member; but to make that circumstance now available, the noble lord should propose to give representatives to every other place which had formerly been, and was not at present, represented. But the noble lord had put prescriptive right out of the question, because there were a number of places which he did not propose to enfranchise, and which had in former times, like Greenwich, enjoyed the right of representation. Even if that were admitted, there was no reason why the claim of

Greenwich should be extended to the other places set forth in the proposition. In the next place, he was not aware that there was any trade carried on in these places which required protection. The only claim they really possessed was founded on population; and this could scarcely be considered a good one, as the population was found to vary with the establishments maintained there by the government. In the very useful notes attached to the population returns of 1821, it was remarked, that the population had fallen off in Deptford, and increased in Greenwich; and the falling off in Deptford was ascribed to a reduction in the dockyards; and the increase in Greenwich was attributed partly to the naval arsenal, and partly to the fact of a greater number of pensioners choosing to become residents in that town. From the influence, too, which the government would exert through these establishments, he contended, that in all cases in which the interests of the metropolitan districts were not directly concerned, Greenwich and its dependencies would be a nomination borough: but he did not object to it on that account, though it certainly seemed strange the noble lord should have selected it under the circumstances. Great, too, he observed, as was the hostility of the noble lord to nomination boroughs, the unconstitutional plan of giving to the king the right of nominating members to that House had been hinted at. It was true, the noble lord, the Chancellor of the Exchequer, had not expressly stated that this would be hereafter proposed; but there was a mode of doing things which, with all apparent caution, rendered perfectly evident the object which men had in view—*Dum tacent, clamant*. The cabinet, as a responsible body, had expressed no attention or opinion upon the subject; but the noble lord who had introduced this bill had spoken of this project as a matter of grave consideration; and it was to be fairly presumed, he would not have ventured even upon this expression of opinion, without a perfect understanding with the other members of the administration upon the subject. The truth was, the noble lord was frightened at the probable consequences of his own measure, and was looking out, with a provident eye, for remedies to meet the evils which it would not fail to create. But to proceed more immediately to the question before the committee respecting Greenwich, upon which, to prevent unnecessary delay, he was willing to take the discussion upon all the metropolitan districts. He would, in the first place, admit, that it had been a blot upon our representative system that the great towns, such as Leeds, Manchester, and Birmingham, which had grown up in the country, had not been allowed to have a fair share in the representation; but this blot, he did not believe, could be fairly alleged to exist with respect to the metropolitan districts. For these he considered, that representation had been amply provided. Though some opulent and populous districts about the metropolis did not enjoy the right of returning members to parliament, yet, looking upon the metropolitan district as a whole, it could not be supposed to be perfectly provided. First, there were the four members for the city of London; secondly, there were two for Westminster; and thirdly, there were two for Southwark, making eight in all. To these might be probably added the two members for the county of Middlesex, because these members were not returned by a rural population, but chiefly by the inhabitants of the metropolis. In an extremely valuable return which had been laid upon the table, the members would find stated the number of families in the county of Middlesex which were engaged in agriculture, the number concerned in trade and manufactures, and the number of those employed in neither. From that return it appeared, that, in agriculture, there were only 9,393 families engaged, while 161,356 were engaged in trade and manufactures. This showed how large was the proportion of town influence to that of agricultural, since the ratio of those engaged was as 161,000 to 9,300. Indeed, the rural population in Middlesex did not altogether amount to more than 70,000 or 80,000, while the total population of the county was 1,140,000. Thus it appeared, there were ten members for the metropolitan district, and to them one of the members for the county of Surrey might, in his opinion, be fairly added; because, considering the influence of the borough of Southwark, and observing that the population of Brixton was a town population, and not a rural population, there could be no doubt that the town population exerted sufficient influence to return one member. The whole of the rural population of Surrey amounted to 130,000, while the town population of Southwark and Brixton amounted to 268,000. The consequence of all this was, that the metro-

politan districts had eleven members—the four for the city of London, the two for Westminster, the two for Southwark, the two for Middlesex, and the one for Surrey. Never, therefore, was there juster cause for surprise, than that ten more should be added to them, giving the metropolitan districts twenty-one members. If ministers were to say, that the principle on which they proceeded was population, or contribution to the taxes, this case of enfranchisement would be intelligible; but in admitting that all they had heretofore done was done well, he was bound to say, this was not the principle upon which they proceeded. Population merely was not the principle of the bill. If the ministers were to say, that the principle upon which they proceeded was population, or contribution to the assessed taxes, this case of enfranchisement would be perfectly intelligible, and the metropolitan districts would then have a fair claim; but that was not the principle upon which they had proceeded. It was, indeed, impossible to suppose, that any ministry would bring a plan forward to deprive England, as a whole, of forty members, while it gave to the metropolis ten, in addition to the eleven which it already returned. It seemed to him, that the simple statement of this fact should be sufficient to deter the committee from assenting to the proposition involved in the question under consideration. A moment's reflection ought to convince every man of the undue proportion of representation which would be given by this clause of the bill to the metropolis and its suburbs, as compared with the great counties of Yorkshire and Lancashire. It should be considered with what justice these additional members could be given to the metropolis, after what had been done with the representation of the southern counties, and with the agricultural districts generally. Nothing could be more absurd, in his opinion, than to say, that as a town increased in population, so the number of its representatives should also increase. A proposition of that kind would be regarded as a wanton and unnecessary departure from the principles of the constitution; yet that was the very proposition which his Majesty's ministers submitted to the committee, in recommending the clause for enfranchising the metropolitan districts. Ministers said, that they would disfranchise all nomination boroughs: let them do so; they had some ground to proceed upon; but if they had any regard for justice—any desire to maintain a character of consistency—let them abstain from making such wanton and dangerous innovations on the constitution of the country, as those which were proposed by this clause. It never was a principle of the constitution of England, that representatives should be given to towns or districts, on account of their population only. The principle had been, to distribute the representation between large and small places, and, without reference to the amount of population, to give two representatives to every town on which the elective franchise was conferred. Upon this principle—to which there were but five exceptions—the opulent town of Liverpool, and the smallest borough contained in schedule A, were equally represented. The present bill departed from this principle. His Majesty's ministers rejected population as the ground upon which the elective franchise was, under this bill, to be given; they professed to take it only as the test—the absurd test—of whether or no a borough was a nomination borough; and whether it was or was not in a prosperous condition; but in this case they adopted that alone as the ground of enfranchisement. It required but little consideration to convince any man of the absurdity of such a test. As was very justly said the other night—the great complaint of the working classes being the want of employment, you take the numbers of the population as a test of the prosperity of any particular place; whereas, in point of fact, it very often happens that where the population is most numerous, there the poor-rates are most grievous, and trade or manufacture is in the least flourishing condition. In many towns, large numbers of Irish had located themselves; but every one would admit the absurdity of taking a population of 10,000 natives of the sister kingdom as a proof of the prosperous condition of a borough. In other cases, population had not been taken as the test of prosperity; or why was Liverpool, a town unsurpassed in increasing wealth and intelligence, and which, from its situation, and the enterprising spirit of its merchants, formed the great connecting link between this country and the western quarter of the world, left with two representatives only? Liverpool had a population of 200,000 inhabitants; did ministers on that account propose to add to its representation—to confer upon it the privilege of

returning four or six additional members to parliament? No. Then what became of their principle of population? If that principle were a good one, and was therefore to be applied to the metropolitan districts, the metropolis having already eleven representatives, why should it not also be applied to Liverpool? There were many large places in the neighbourhood of that borough which had not hitherto taken any part in the election of members. By the provisions of this bill, they were to be incorporated with Liverpool, and thus the constituency of that borough was to be increased; yet there was to be no increase in its representation. This proved, that the case of the metropolitan districts was an exception to the general rule laid down by the bill. If the principle to be applied to the metropolitan districts was to be considered as a leading and a guiding one, how could the committee possibly neglect the claim of Liverpool to additional representation? The boroughs of Aylesbury, Banbury, Calne, Christchurch, Leominster, Malton, and two others of a similar stamp, containing, together, a population of 32,198, were each to retain the right of returning two members. Thus, sixteen members would be returned by a population of less than 33,000; while the town and neighbourhood of Liverpool, containing a population of 200,000, was to return but two. So, again, in the case of Birmingham, which contained a population of 170,000 or 180,000 souls; there, so devotedly attached were his Majesty's ministers to the ancient system of representation, that although, by the result of their own plan, they had forty franchises to dispose of, they would give no more than two representatives to the great town of Birmingham, with its 180,000 inhabitants—in short, they would give it no greater weight in the scale of representation than they had allowed the town of Malton to retain, which was saved by just eighteen persons from disfranchisement. He did not complain of this adherence to the ancient principle; on the contrary, he approved of it; but, if that were taken as the principle of this bill, it was incumbent on his Majesty's ministers to show some valid ground, some great and overbearing reason, why the metropolitan districts should be made an exception to it. If they meant to proceed according to population, and the amount of taxation paid by different places, they ought to apply the same rule to all. By the bill, certain commissioners were to have the power of incorporating and joining particular parishes with particular boroughs; but when they came to the metropolitan districts, their powers were all at once to become null and void; and Greenwich, and Marylebone, and other districts of the same kind, were to have their own distinct representatives. He had an unfeigned respect for London and Westminster—perhaps no man more; but he saw no reason why their suburban districts should not rather be incorporated with them, than allowed to have district representatives. He saw no reason why the districts in the neighbourhood of the metropolis should be made an exception to the rule which was to apply to those in the vicinity of Liverpool, Bristol, and other large towns, which had equally good claims to representation. He had now stated the reasons for which he would oppose this enfranchisement. The first proposition he wished to urge upon the House was, that in reference to the other parts of the country, the London district was already sufficiently represented. The second was, that the ancient usage of our representative system had been, to give an equal right to all places of returning two members, without reference to their population or contribution to the taxes. And the third was, that ministers had heretofore adhered to this rule—as, for example, in the cases of Calne and Manchester—the one of which they determined should retain, and the other should acquire, two members. Having, accordingly, adhered in all other cases to the ancient usage, they were bound in the present instance to show why they departed from it in favour of the metropolitan districts, and what were the peculiarities of these places which had so weighed with them as to induce them to desert their own principles. The point was, could that case be made out, which, upon a consideration of population, and contribution to the taxes, would entitle these districts to additional representatives? It could be made out, but it told against themselves. So far from these places requiring additional representatives, he thought, from their proximity to the seat of government, that they already had sufficient influence over it. He foresaw very great danger from giving members to the metropolitan districts; for looking at the particular circumstances of the great body of the constituency in communication—looking at their locality, their vicinity to the House of Commons, at the facility

which they would always have of approaching the government—looking at the ready access which they would have to the reports of proceedings in this House—looking he said, to these matters, it could not be denied, that the constituents as well as the members for the metropolitan districts would have immense advantages over every other. Alluding to one of those districts—the parish of Mary-la-bonne—he might observe, that it was about to acquire two rights; because, according to the bill, if he understood it rightly, all £10 householders who had not a vote for the city of London were to have a vote for the county of Middlesex, which, added to their right of voting for the new borough, would create a double right. Now this representation, he considered, was little wanting to the parish of Mary-la-bonne. It so happened, that there were at least 100 members of parliament resident in that parish, and of these, very many had actually an identity of interest with the parish. In its select vestry there were no less than ten members of parliament, and he could appeal to hon. members present, whether these members were the least frequent in their attendance. From this he argued, that there was little danger that the interests of this district, which had virtually so many representatives, could suffer from not being enfranchised. If, however, it was deemed improper that the inhabitants of so rich and extensive a district should be left without their due influence in the general representation, why did they not proceed upon the same plan as in Lancashire and Yorkshire? Why did they not give additional representatives to the county of Middlesex? They might think they had done little in adding ten representatives to the eleven already enjoyed by the metropolitan districts, but they were much mistaken. They had deranged the balance of interests in this country more than was wise, and in a degree which would render any endeavour to adjust them hereafter a matter of almost hopeless difficulty. This balance was founded on prescription; but it was not the more unjust or the less to be respected on this account, and it produced a regularity and security which, in the practical working of the new scheme of the constitution, he feared it would not be possible to ensure. Let them not lay the flattering unction to their souls, that the whole effect of this proceeding would be the conferring of twenty-one representatives upon the metropolitan districts. It would create a new order of men in that House, which would alter in character and increase in power at each successive election. Antæus-like, the more they came in contact with their native earth, the greater would be their force, the higher their hope and vigour. Another point which might be urged was, that by this addition of town representatives they were giving an undue influence to the more active portion of the House that were desirous of changes, and that which, particularly in the present instance, was, from the vicinity, and from the aggregated nature of their constituency, more immediately under its control; for the members for towns, must of necessity be persons of more active habits than those who sat for counties; as well from the circumstances whereby they could alone recommend themselves to the representation, as from the character of their constituency. This, he thought, was no reflection on the country gentlemen. On the contrary, their indisposition lightly to alter ancient institutions and established usages, formed an admirable ingredient in the constitution of the House; and enabled it, when combined with the laudable desire of changes (let it be called) upon the part of the town representatives, for the sake of improvement, by the balance of these conflicting opinions, to approximate to, if they did not arrive at truth. But now, by taking away from the one class of representatives, and adding to the other, they were doing injury to the agricultural interests, without conferring any benefit upon the general interests of the country. Looking, he would say, for example, to the county of Middlesex, he should be inclined to conclude, that local interests and local attachments would go for nothing, but that men would be chosen, as in the case of one of the hon. members for the county to which he had alluded, for the marked line of politics they had pursued. He saw the hon. member for Middlesex selected to represent that great county, though he possessed no local connexions there, and selected indeed, evidently, for the line of conduct he had adopted in politics, which was that of watching with the greatest closeness, the expenditure of the country. He did not object to the honourable member on the fact that such had been the cause of his selection. The hon. member had only zealously performed what he conscientiously believed to be a public duty, and he was rewarded for it by

the representation of the metropolitan county. The only reason for which he alluded to the circumstance, was, to show the sort of men that these metropolitan representatives were likely to be, and to mark, in consequence, the great additional influence which such men, so closely in communication with their constituents, must have in that House. There would be in this manner ten additional members for London, and the change would be most considerable. Viewing that change in its future effects by those which, so far as circumstances permitted, the prospect of reform had already produced, he must say, that he did not think it a change that was likely, upon the whole, to work well for the benefit of the country. He viewed it as a departure from the ancient usages of the country, and he could not but anticipate that it would not be for the better. He thought it would aggravate the loss the agricultural interest were about to sustain by the other parts of the bill, and that it would give an undue influence to the popular voice in that House. On these grounds, he should certainly resist giving the franchise, in the manner now proposed, to Greenwich, Woolwich and Deptford, by placing them in schedule C.

In reply to Lord Althorp, Sir Robert Peel wished the noble lord to understand, he had not intended to cast the slightest imputation on county members. Quite the reverse; all he had said was, they did not usually exert so much versatility, or desire for change, as the representatives of towns and boroughs. For this reason, he thought the provisions of this clause gave the party desiring change an additional power. He had always regarded the county members as a most enlightened, intelligent, and useful body, but they did not possess the active, restless qualities of their opponents.

On a division, the original motion was carried by 295 against 188; majority, 107.

August 4, 1831.

The question was, "That Wolverhampton, including the townships of Wolverhampton, Bilston, Willenhall, Wednesfield, and the parish of Sedgeley, Staffordshire, stand part of schedule C."

In the discussion which ensued,—SIR ROBERT PEEL said, two representatives were to be given to the united districts which were to compose the borough of Wolverhampton. He therefore thought two should also be given to the united towns of Walsall and Wedgebury. They had been told, as the reason why this should not be done, that the former town had a mayor and corporation; but that was no reason why it should not be united with another town for the purpose of representation. The bill totally disregarded corporate rights or jurisdictions. Wolverhampton, they had been told, was a very large parish, with a scattered population. Regardless of these circumstances, ministers had determined to unite the whole (although there had been a difficulty, such was the nature of the population, to ascertain the number of £10 houses), and thus continue to confer on them the right of returning two members to parliament. At the same time they refused to unite Walsall with Wedgebury for the same purpose, in both of which towns the population was concentrated. The inconsistency of this arrangement was so manifest, that he hoped the noble lord would not persevere in it.

The motion was carried.

On the question, that schedule C stand part of the bill, Lord Milton moved, as an amendment, that the word "two" be inserted in the blank instead of "one."

Sir Robert Peel had already expressed his entire concurrence in the principle that every place to which the franchise was given, should return two members. He should much rather take twelve places out of schedule D, and give to each of them two members, than give one each to twenty-four places. He thought it would conduce to the internal peace of towns, if they had two members. It would prevent the clashing of interests, and remove many causes of dissension. If the motion of the noble lord were to be, that all the places in the next schedule should have two members each, that would give too great a preponderance to the manufacturing districts, which he could not agree to, but if the noble lord's motion was put into the shape he proposed, he (Sir R. Peel) would support it. The word "two" being inserted instead of "one" in the clause, then it would remain for the committee to select the places which should have two members. Of the twelve places to which

he (Sir Robert Peel) would consent to give two members, Stoke was certainly one of the first. Although he did not know why his hon. friend had chosen to take this district out of its place, and discuss it there, he should vote for the motion. He hoped, that the vote would not be attributed to his Staffordshire partialities. He had already said, as a reason for desiring two members, that there was less likelihood of acrimony and party feeling in election contests where there were two parties, when each had a chance of returning a representative, than if the whole struggle was to return one. He would add another, to be found in the long list of townships, of which he would read the names. The town of Stoke-upon-Trent contained these townships:—Longton and Lane-end, Fenton Calvert, Fenton Vivian, Penkhill and Boothen, Shelton, Hanley, Burslem, with the Vill of Rushton Grange, and the Hamlet of Sneyd, Tunstall Court, Chell, and Oldcott. The very enumeration of those names, was surely sufficient to prove the advantage of having two members rather than one.

Further in the debate,—Sir Robert Peel contended, that the principles of the bill would not be departed from, by giving to twelve of the chief towns in schedule D two members, instead of the twenty-four towns one member each.

The amendment was negatived, on a division, by 246 against 145, and the original motion agreed to.

The next question was on the latter part of the third clause as follows:—"And that each of the principal places named in the first column of schedule D be a borough, and that each of the said last mentioned boroughs shall, after the present parliament, return (blank) member. The question the chairman said he had to put was, that the blank be filled up with the word "one."

Lord Milton moved, as an amendment, that the word "two" be substituted for the word "one."

In the ensuing discussion,—Sir Robert Peel, rising after Lord Morpeth, said, the hon. member who spoke last but one (Mr. Strickland) denounced the shallow doctrine of preserving a balance between the agricultural and the manufacturing interests. It might be shallow in principle, but yet it was impossible to convince one of those interests, that it would be wise to commit to the other the entire control over it. Each party would always naturally desire to be protected by its own representatives. The hon. member talked of the interests of the wool grower and the cloth-manufacturer being the same. This might be all true and very wise, but it was most extraordinary to hear it come from the very same hon. gentleman who complained that Yorkshire was not sufficiently represented, and who said, that his motive for supporting the proposition of the noble lord was, to give more representatives to the great manufacturing towns of Yorkshire. Let the hon. gentleman apply his own principle. If the interests of the wool-grower and of the cloth-manufacturer were the same, why not trust the agriculturist with the care of the cloth-manufacturer; and still further, if the principle was good for any thing, why not commit to the wisdom and management of Staffordshire, the interests of Yorkshire? He should prefer not being called upon to vote at all upon the question. If he were, however, so called upon—if the noble lord pressed the question to a division—he would support the amendment, because it affirmed an abstract proposition of which he approved—he meant the principle of double representation. At the same time he owned, that if he thought the noble lord likely to carry his amendment, he should be afraid to vote with him, because he should then expect that the same majority would transfer all the towns in schedule D to schedule C. In the abstract, he agreed that it would be better to have two members for each place, and looking at the whole as an abstract question, he was disposed to vote for the amendment of the noble lord, reserving to himself the power of saying to what number of boroughs this should be extended—that is, of saying whether twelve or twenty-four boroughs should be included in the schedule. He owned he was surprised at the argument of the hon. baronet in favour of single representation; taking, as he did, the principle, that the minority should not be represented at all. To that he was prepared to give his decided dissent. Would it be wise or politic to say, that where any great difference of opinion existed, on, perhaps, a most important public question, that the minority—which might be a very large minority—should be wholly excluded from all share in the representation? In times of peace and quiet, there might be little danger

of such a principle; but times of storm and difficulty might arise. Would the hon. baronet's principle be then applicable? It reminded him of that beautiful simile of Horace—

—“Cum pæce delabentis Etruscum
In mare;”

but the time might come,

—“Cum fera diluvies quietos
Irritat æmnea.”

Yes, great questions would arise, with regard to peace or war, questions involving foreign and domestic policy, and in which there might be a collision between these two interests. Would it, then, be wise to adopt a system which should give either to the war party or to the peace party a predominant influence? It was very fairly said, in reference to the argument of the hon. baronet, that it went to cut up by the roots the system by which the majority was represented in that House. For instance, if there should be 501 on one side of the question, and 499 on the other, the proposition of the hon. baronet would prevent the voice of the minority from being heard. Assuredly, for all the purposes of petition and remonstrance, this was one of the most extraordinary propositions ever yet submitted to the adoption of the British legislature. The principle which he had heard urged over and over again was, that taxation ought to be co-existent with representation; and therefore it was, that, in order to secure representation to the minority, two members were selected, for it could not be done by one. The principle of giving one member instead of two was a novelty, and as such ought to be avoided. Gratuitous novelties tended to unsettle men's minds, and engender and foster a desire for innovation. It was because he wished to avoid, as much as possible, the introduction of novelties, and preferred two members to one, that he should now vote for the motion of the noble lord, whatever objection he might have to it in other respects. He wished the House to understand, that he voted for it upon that abstract principle.

On a division, the amendment was negatived by 230 against 102; majority, 128.

AUGUST 5, 1831.

In the discussion upon the question, that Gateshead, including the parish of Gateshead, Durham, stand part of schedule D—

SIR ROBERT PEEL did not suppose that the people of Newcastle would object to having three members. Newcastle would be the last place to complain of this additional honour. What did the hon. baronet (Sir M. W. Ridley) tell them? Why, that he represented Gateshead, and that he would be shorn of part of his beams, if he no longer represented Newcastle. The hon. baronet, the member for Newcastle, was the representative of Gateshead. He expressly admitted the fact. On the grounds of vast population, there was no pretence whatever for giving a new member to Gateshead. Newcastle had only 35,000 inhabitants, and Gateshead only 11,000. They were close together; they were united in trade, and, therefore, they might be well included in the same system of representation. It was too bad to aggravate the mortification of defeat by such arguments as had been advanced. A certain species of decency and decorum might have been expected in the triumph of the hon. members opposite over reason and the constitution. When they were about to disfranchise half the boroughs in the kingdom, it was strange and monstrous to hear the noble lord talk of the ancient rights of Newcastle, as a reason for preserving its franchise unaltered and unimpaired. When they were about to add adjoining boroughs to others, to sluice all the small boroughs that were not disfranchised by voters from the neighbourhood, when that even was not to be done by parliament, but by a sort of riding commission—a quarter-master-general; and when they were, by commissioners and deputies, disfranchising voters in all the boroughs that were reserved, it was to him most extraordinary that a respect for the rights of the people, should be assigned as one of the reasons for not uniting Gateshead to Newcastle. He was not aware that it would be necessary to divide the committee on any other place of schedule D; but on this place he was determined to divide, and

record in a more emphatic manner than by speech, his condemnation of the conduct of ministers, in giving an additional member to Newcastle, while Chelsea, with its 46,000 inhabitants, was excluded from all share in the representation. If he stood alone, he would divide against including Gateshead in the schedule.

On a division, the question was carried by 264 against 160; majority, 104.

AUGUST 6, 1831.

On the question, that the town of Walsall, including the borough and foreign of Walsall, stand part of schedule D, Mr. Croker moved as an amendment, that the words, "and town of Wednesbury" be added.

In the succeeding discussion,—

SIR ROBERT PEEL said, his hon. friend, the member for Staffordshire (Mr. Littleton), had, on a former occasion, remarked, that the freeholders of Wednesbury, would rather enjoy their county franchise than be united with Walsall, and have the privilege of directly returning a member. Surely, that was no proof of the overwhelming desire of the people for the extravagant and dangerous changes to be made in this bill. The freeholders of Wednesbury, a large town, preferred the system under which they had so long been represented, to the bill of the noble lord. Walsall had only a population of 12,000.

Lord John Russell said, the population of Walsall was now 15,000.

Sir Robert Peel continued. The population was now 15,000! What, then, were they now to have recourse to the population of 1831? When the disfranchising clauses were under consideration, and rights and privileges, which had endured and been protected and upheld for four centuries, were to be assailed and destroyed, then the population returns of 1821 only were to be consulted. The gross injustice and inconsistency of such conduct must be evident to the whole country, and sooner or later it must produce its natural effect. He must remark, too, that it was wonderful to observe how strong an affection the noble lord had conceived for "municipal constitutions" since schedules A and B had been disposed of. While those schedules were under discussion, corporate rights were ridiculed; but now Walsall was to return a member by itself, because it was under one municipal constitution. Such inconsistency appeared both ridiculous and contemptible, and he should support the amendment. The argument of his hon. friend (Mr. Littleton) surprised him very much. His hon. friend had stated, that the people of Wednesbury were so well pleased with the right given to them by the bill, to vote for the county representatives, that they did not care to have a representative of their own. He was aware that it was useless to press the amendment, especially on a Saturday, unless the noble lord chose to lend a favourable ear to the representations which had been made.

The amendment was negatived, and the original motion agreed to.

THE IRISH YEOMANRY.

AUGUST 11, 1831.

Sir Richard Musgrave presented a petition from the city of Waterford, signed by a great number of highly respectable persons, praying for an enquiry into the late affair at Newtonbarry, and also praying the House to adopt measures to disarm the Irish Yeomanry.

In a debate that followed upon the motion that the petition be printed,—

SIR ROBERT PEEL said, he regretted the importance, the undue importance, which had been given to the printing of this petition. He regretted, too, the mode in which the hon. member for Louth had thought fit to address the House. When he recollected the speech which that hon. member had made on the question of reform, and the desire he then expressed (and no doubt very sincerely), that all distinctions founded upon religious differences should be for ever abolished, it was with pain that he heard the hon. member arrogate to one particular class in Ireland the name of the Irish nation, to the exclusion of that other, and that important, though less

numerous class, the Protestants of Ireland. He had before opposed the printing of a petition which cast reflections upon his Catholic fellow-subjects, and on the same ground he should now concur with those who determined to refuse the printing of this petition, which cast indiscriminate and groundless reflections on a large body of the Irish people. The petition stated, that the yeomanry fired upon the people, not only without orders, but in defiance of directions from their officers: that was not borne out by the facts that appeared in the investigation of the charge in a court of justice. After a full investigation, the charge of murder was dismissed. The case might again come forward for judicial investigation, and he thought, therefore, the House could not sanction the printing of the petition. To him it appeared wholly impossible that hon. gentlemen could believe the charges brought forward against the yeomanry. Did the noble lord (the member for Meath), who had three yeomanry corps in his county, of whose conduct he had spoken in the highest terms of praise—did he desire to give currency to such charges as were contained in this petition? It was hardly possible to believe that he could entertain such a wish. On these grounds, therefore, and on the ground that legal proceedings were either still pending, or were now likely to be commenced, with respect to the matter which was the subject of this petition, he should oppose the motion for printing it.

On a division, the motion for printing was negatived by 238 against 76; majority, 162.

PARLIAMENTARY REFORM.

August 11, 1831.

On the motion of Lord Althorp, the House went into Committee upon the Parliamentary Reform bill for England.

The Chairman read the eleventh clause, as follows, viz., "And be it enacted, that each of the counties enumerated in schedule D, to this act annexed, shall be divided into two divisions, in manner hereinafter directed; and that in all future parliaments there shall be four knights of the shire instead of two, to serve for each of the said counties; that is to say, two knights for each division of the said counties; and that such knights shall be chosen in the same manner, and by the same classes and description of voters; and in respect of the same several rights of voting, as if each of the said divisions were a separate county."

Mr. Hughes Hughes proposed an amendment on the clause, the effect of which would be, to give the right of returning four members to the electors of the county at large, without any division of it.

In the following debate,

SIR ROBERT PEEL said, that were he to consider this proposition abstractedly, and without reference to the bill, he should have the greatest objection to it. He should be sorry to see the immunities of the ancient divisions of England come to an end. When he heard the noble lord, the member for Yorkshire, on a former occasion, congratulate himself with respect to the county of York, and say, "We are in this proud situation—we are separate from every county in England; for true it is, we are to have six members, but we are to have two members for each of our old ridings, and we are to preserve those divisions that have existed since the days of Alfred; and, therefore, I object to the proposition of giving York ten members." When he (Sir Robert Peel) heard that from the noble lord, he thought it a just and natural feeling. It was one he did not wish to destroy; nor could he be surprised that any honourable man should feel an objection to a division of the limits, and the loss of the unity of his county. It was quite consistent that men should maintain those local feelings with a general feeling. God forbid they should be ever destroyed! and therefore, abstractedly from this bill, which he looked upon but as a precedent for a departmental division of the country, this proposition should have had his decided opposition. He thought it unjust to that display of public spirit which every man wished to see. And let it not be said, because there were now two nominal divisions in Sussex, that this would have no effect; for, after counties were divided into separate portions, their common feel-

ing would be extinguished—they would be like Holland and Belgium, no longer the same. This might be derided as prejudice, but he, with the member for Yorkshire, must feel it was more. Let them look at the consequences. Let them take the county of Stafford for instance. When this division took place, he who belonged to No. 1 Stafford, would have a different interest from him who belonged to No. 2 Stafford; they would no longer have the same identity of feelings, as natives of the same county, which had before existed among them. It was true, that all this might be denounced as so much prejudice; so it was, perhaps; but, at the same time, those feelings existed, and it was a part of those feelings which had always made Englishmen so ready to defend the constitution of the country. Another provision of the bill, which he most seriously lamented was, that the division of the counties was to be effected by Commissioners, and not by the House of Commons itself. He saw no reason why the House should not undertake the task of dividing the counties. They had details enough before them. Why could not a committee of the House consider and report the facts, and the House make the final decision? He saw no reason why the House was not perfectly competent to decide on this point; and if it were so, on what constitutional grounds was the important functions devolved on another authority, without appeal to that House, of deciding what should be the future representation of England? It was a monstrous dereliction of duty, that that House—the representatives of the people—should devolve to other and extrinsic hands the office of deciding what should be the representation of twenty-five populous counties. The noble lord had said, there would not be an appeal even to the Crown itself, which would be barred from reviewing the decisions of these commissioners, however unjust. If the bill were to pass into a law, they were bound to use their best endeavours to make it perfect as far as it went; and he, therefore, thought, that they ought to make the most strenuous opposition to the appointment of commissioners, for the performance of a duty which really belonged to the House; and if it were said, that the House was too numerous a body to take this matter into consideration, his answer was, that in that case a committee of the House might be appointed, whose capacity to perform the task would be unexceptionable, and whose decision, as emanating from an authorized portion of the House, could not be called in question by the House itself. Another great objection which he had to this part of the bill was, that the House was called upon to give at once its consent to an indefinite division of all the principal counties of England, without so much as knowing whether the division was to run from north to south, or from east to west; so that, in voting for the additional members to counties, they would be, in fact, voting for something, the effect of which they could not by any possibility foresee. As he had already said, to the division of the counties, taking it abstractedly, he had the greatest objection; but when he viewed the subject with reference to this bill, at the same time taking into consideration the disfranchisement that had been inflicted on the borough system, by means of schedules A and B, he thought, that the adoption of the division of the counties was a judicious step. He had to consider in what manner he could best give that countervailing influence which should be consistent with such a measure; and he was bound to say, that he thought there were solid arguments for the division of the counties, as the means of maintaining the wrecks of aristocratical influence. He was glad to hear from the noble lord, that it was not intended entirely to destroy aristocratical representation; and he thought, that the small remains of that representation might be better maintained by dividing the counties, than by continuing them as they were at present. Those who thought the bill did not go far enough, might very consistently be hostile to such a plan; but he avowed that his reason for supporting it was, because he agreed with the noble lord, that the popular influence was greatly increased by this bill, and he thought that the division of the counties would give a kind of counterpoise. He repeated, that he never would vote for the introduction of clauses, which would render the bill inefficient, with a view of defeating it. Still he thought great improvements might be made. It was a great object with him to dispense with the necessity of employing commissioners, and to leave their duties to parliament itself. It would be a great advantage, under this point of view, if there could be an arrangement, after constituting the electoral districts of a town, to prevent any proprietor living in the town from exercising an influence in the county elections. He did not see the reason for excluding a 40s. freeholder

from the right of voting for a town, and giving him a right of voting for the county. Why not, after determining the boundaries of a new town, say that all 40s. freeholders in the town, and £10 freeholders, should exercise the right of voting in the district, and not in the county, instead of telling them "You cannot vote for the district, though you may for the county." If the 40s. freeholders were allowed to exercise their elective franchise only within the new electoral districts, the necessity of riding commissioners might be dispensed with, and it would be scarcely necessary to look for £10 freeholders within the limits of a town. There was one other clause to which he had an objection. The bill gave to freeholders in counties of cities, for the first time, the right of voting for counties. In these counties of cities, the splitting of freeholds, and other practices, had led to the greatest abuses. He would call the noble lord's attention to the county of the city of Lichfield, where freeholders had a right to vote, and the noble lord knew how many annuitants had been created in violation of the spirit of the law. The bill would give to these annuitants of Lichfield, amounting to 400 or 500, a new right of voting for the county. It would be better to confine them within the county of the city, than to let them into the county. Much difficulty arose from the mode in which England was to be divided, which would throw considerable discretion into the hands of the commissioners; and it was extraordinary, that after this House had struggled so hard against the interference of another branch of the legislature with their elections, they should devolve so great a power of interference on gentlemen of whom the House could know nothing. Seeing the destruction of aristocratic influence which was to take place, from the mode in which the franchise was extended in towns, he thought that the safest course to take would be, to adopt that division of counties by which gentlemen of landed property would have their fair share of influence in the representation of counties. He owned that he had not seen any practical good effect from allowing Yorkshire to send four members for the whole county, rather than for its separate divisions; and he thought, that that county would have consulted its fair influence just as much, or more, in returning one of its own landed gentry, rather than the highly respectable individual who had since become high chancellor of England. Under these circumstances, he would vote in favour of the proposition of ministers, for the division of counties.

After some brief remarks from Mr. Gisborne, Sir Robert Peel said, they should be as much on their guard against fictitious votes in counties as in counties of towns. But on what principle were the counties to be inundated with these voters from towns? The spirit of the law was decidedly evaded by the creation of annuitants in this way. He had no objection whatever to the *bonâ fide* 40s. freeholders being left as they were, but he would certainly confine the new voters, and the annuitants, to the counties of towns in which they happened to be placed.

On a division, the clause was carried by 241 against 132; majority, 109.

August 17, 1831.

On the House resolving itself into a Committee on the Parliamentary Reform bill for England,—

Lord Althorp moved the fifteenth clause—"And be it enacted, that for the purpose of electing a Knight or Knights of the Shire to serve in any future Parliament, for the East Riding of the county of York, the North Riding of the county of York, and the several counties enumerated in the second column of the schedule H to the Act annexed, shall respectively include the several cities and towns, being counties of themselves, mentioned in conjunction therewith, and named in the first column of the said schedule H; and that, for the like purpose, the county of Gloucester shall include that part of Bristol which is situate on the Gloucestershire side of the river Avon; and the county of Somerset shall include that part of Bristol which is situate on the Somersetshire side of the said river Avon."

Colonel Davies stated the grounds of several amendments he meant to propose, after which,—

SIR ROBERT PEEL said, that the noble lord, following the hon. and gallant gentleman, had gone into questions not immediately before the committee. He con-

curred generally in the doctrines laid down by the gallant officer, for he believed it would tend to simplify the bill, if a person's right of voting were restricted to the district in which he resided. The 15th clause, which included towns and cities that were counties of themselves within the adjoining counties, for the purpose of county elections, was the subject now before the House, and to that he proposed to confine himself. He must, however, in the first place, thank the noble lord for his free, though somewhat tardy acknowledgment, that the discussions which had been raised on the opposition side of the House, had, instead of producing unnecessary and useless delay, furnished the ministers with many important improvements in the bill. This candid and honourable acknowledgment of the noble lord, was his (Sir Robert Peel's) answer to common-councilmen and Political Unions, who threatened them with the application of external force for the expediting their proceedings.

Lord Althorp said, across the table, that he for one had never charged the other side of the House with interposing needless delay.

Sir Robert Peel was happy to hear the noble lord again so candidly allow, that the object of those who had opposed the Reform Bill was, to make it as perfect as it could be rendered. The practical proof that the noble lord was right, was furnished by the fact, that because the House had accidentally proceeded faster than usual with the bill for one or two days, the government found it necessary to postpone a most important clause, because it had not been amended in conformity with the suggestions of that (the opposition) side of the House. He would, with the permission of the committee, make some observations upon the clause now proposed for their adoption. There were in all, nineteen corporate towns in England, and these, with the exception of the county of the city of Bristol—which was dealt with specially—were enumerated in schedule H, annexed to this bill. He wished that every gentleman would take the trouble to peruse a treatise, of singular ability and research, on the subject of towns and cities which are counties in themselves, written by Mr. Corbet. All the facts relating to the history of those towns, and all the constitutional learning bearing upon those facts, would be found stated, with great learning and clearness, in this treatise. In ten out of these nineteen corporate towns, the freeholders had no right to vote, either for the county of the town, or, if he might be allowed to use the expression, for the parent county. These ten corporate towns were Carmarthen, Chester, Coventry, Exeter, Gloucester, Kingston-upon-Hull, Lincoln, London, Newcastle-upon-Tyne, and Worcester. In four of them—namely, in Canterbury, Poole, Southampton, and the Ainsty of York—the freeholders had the right to vote for the parent county. In five of them—namely, Bristol, Haverford-west, Lichfield, Norwich, and Nottingham—the freeholders had a right to vote for the city, in conjunction with the burgesses. Now, although these anomalies existed at present in the rights of freeholders in these corporate towns, yet he did think, when they were overturning the ancient fabric of representation, and constructing a new one, that it would have been much better, and much more in conformity with the general principles of the constitution, to have given to the freeholders of such places the right of voting for the county of the city, rather than making them vote for the parent county. These places were, for municipal purposes, completely separated from the county surrounding them, and were, to all intents and purposes, counties of themselves. They, in general, had their own sheriffs, to whom the writ was addressed. He did not, of course, object to the parties now having a right to vote retaining their right, but to the mode in which it was proposed to confer that right on them. The circumstances of the different corporate counties might vary; in some places their limits were confined to the place where the town stood; in others they extended to some distance beyond it, but the connexion of the freeholders was generally a town connexion. This was particularly the case in those five counties in which the freeholders had hitherto possessed the right of voting for the city or town. Why were such persons to be turned over to the parent county? In Staffordshire, for instance, the greater part of the *bona fide* freeholders of Lichfield would be transferred from that city, wherein they had at present votes, to the county constituency for that division of the county to which Lichfield would belong. A weaver of Nottingham, with a 40s. freehold, would have a vote, and it was admitted on all sides, that he ought not to be deprived of his right; but surely it would be a much more desirable arrangement, to allow him to exercise that right for the

place where he resided, and in which all his interests and connexions were centered, than to transfer him to the parent county, with which he had nothing whatever to do. And to what class of freeholders would this change be most prejudicial? Why, to the very lowest—to that class which was least able to bear expense. A 40s. freeholder was to have no vote for the town in which his freehold was situate, but was to be put to the expense of travelling thirty or forty miles to give his vote, even though an election for his own town might be going on at his door. Such an arrangement was injurious to the small freeholder, and also to the character of the county affected. It would not be said, that these counties of cities and towns were not strictly counties; for so strongly had the House felt them to be so, that when Mr. Fleming was Sheriff of Hampshire, it held, that he was not disqualified to sit for Southampton, which was the county of a city. That in itself, perhaps, was sufficient proof that the corporate counties were, in the eye of the constitution and the law, *bonâ fide* counties; and, in support of that position, he would quote the authority of Mr. Prynne, who stated, that the town and county of Bristol elected two representatives, who were as well knights of the shire as burgesses of that city. Even at the early period when the charter was granted to Bristol, forming it into a county, this was felt to be the case. In that charter it was expressly provided, that the city of Bristol should not be burthened with the support of more than two members of parliament, and likewise, that these two members should be considered as representing both the county of the city and the city. In those days the appetite for representation was not quite so strong as at present; and the city of Bristol apprehended, that, on its being made the county of a city it might be called upon to return four members—two for the city, and two on account of its new distinction. He apprehended, that the suggestion he was now making would be no infraction upon the principle of the bill, and, on general principles, he was convinced that the arrangement he proposed would be a strong guard against those abuses which would result from this part of the bill, as it now stood. He thought, that the freeholders of the county of a city should be allowed to vote at elections for the city, in conjunction with the householders, and the freemen who were allowed to vote under the bill. He was sure that great abuses would result from the present arrangement, which sent the freeholder of a town to vote for the parent county instead of the town. If a man attached a piece of ground, ever so small, to his warehouse—a garden, for instance—he would thus acquire a right to vote for the county. This facility of creating a double right of voting was pregnant with abuse, and he had no doubt, that Birmingham and Coventry would find means to return the county members, as well as the members for the town. The noble lord said, that he would prevent any such effect, by adopting the system in force with respect to freeholders in Ireland, and require a £10 qualification. That was an important alteration in the bill, and afforded another proof, if proof were wanting, of the utility of suggestions made, and discussions raised, by this side of the House. It should be recollected, that in the first instance the principle of the bill, as stated by those who had brought it forward, was to confine the right of voting in towns to resident voters. In fact, non-resident voters were altogether excluded in the first draft of the bill. An important alteration had, however, been subsequently made in this portion of the bill—an alteration, of which he entirely approved, but which, at the same time, it could not be denied, was a complete departure from the original principle of the bill: that alteration, consisted in making the possession of counting-houses and warehouses confer the right of voting in towns, and by means of such an alteration, the right of voting was given to 3,000 or 4,000 non-resident voters in Manchester alone. He thought that his Majesty's ministers did wisely, in admitting such persons to the right of voting in towns; but when they did so, why would they not admit freeholders also? He was of opinion, that it would greatly simplify the bill, if the general principle should be adopted, to confine the right of voting accruing from the possession of property, to the district in which that property was situated. Let the freeholder, whose freehold is in Lichfield or in Newcastle, vote for the member for Lichfield or Newcastle, and not for the member for Staffordshire or Northumberland.

On a division the numbers were, for the clause, 164; against it, 124; majority, 40.

The chairman having read the first part of the sixteenth clause, to the following effect:—"And be it enacted, that from and after the end of this present parliament,

every male person of full age, and not subject to any legal incapacity, who shall be seized of and in any lands or tenements for life"—and several members having spoken on the subject, and the Solicitor-general having explained it,—

Sir Robert Peel thought—the speech of the hon. and learned gentleman, and the admissions which it contained, were calculated to prove beyond question, that the House had assented too hastily to the preceding clauses of the bill. He should not, in the present instance, go through all his objections to the clause, as he considered one of them alone would be sufficient—namely, that relative to the grant of the franchise in counties to the leaseholders for terms not exceeding seven years. He would say, that persons holding land for such short terms, and attempting to improve such property, were, by their own attempt at improvement, bound to the land under any terms, and consequently, more at the control of their landlords than tenants-at-will were. The hon. and learned gentleman admitted, that the clause was defective, and that it must be amended. It was now evident, that the subject was one of infinite importance, and he thought the objection of his learned friend, the member for Cockermouth, so conclusive, that it was impossible they could go further without the most mature deliberation. Was it not, then, most desirable, that in the present position of affairs, with their numbers thinned by the absence of those who were suffering under indisposition from long and protracted attendance to their duties, they should not persevere in attempting to pass the bill at present, but at once adjourn for three months, in order to give time for the perfection of this bill, by a better consideration of its details. He would put it, therefore, to the noble lord (Althorp)—and he never was more serious in his life in making any proposition than at that moment—whether it would not be advisable that he should to-morrow propose an adjournment of three months, in order that the House and the government might be better prepared by due deliberation to make this their new constitution perfect. It was no impeachment of the judgment of the government, that they were compelled to adopt such a course, and that they were not found to have proposed a measure of such importance, containing so many complicated details, and involving so many different interests, free from all defects. He trusted, therefore, that the noble lord would at once make up his mind to relieve them from further attendance, and that, pressed as they were by so many other questions of foreign and domestic policy, the ministers would not continue, night after night, urging forward a bill, which, it now appeared, according to their own admission, was so defective, that it required many considerable amendments. He would not enter at length into an examination of the clause; but he might observe, that while the hon. and learned gentleman (the Attorney-general) seemed to be of opinion that no practice of creating fictitious votes would be resorted to, the Chancellor of the Exchequer, after describing the extent to which the multiplication of freeholds had been carried, was, along with the learned gentleman, about to put it in the power of landlords to resort to similar abuses with reference to leaseholds. It would operate to increase all the abuses of electioneering influence, and tempt men to divide their property. If it were asked, how were they to do this? he (Sir Robert Peel) would say, their agents could do it. A landlord had merely to empower his agent to grant leases, or give the agent himself a lease, and the whole machinery was put in motion. He must object to the ambiguous manner in which the clause was worded, and to the bad effects which the clause, as it regarded seven years' leaseholders, would have on the situation of the tenants-at-will in the midland counties. He concluded by repeating his hope, that the government would at once put an end to these difficulties, by proposing a long adjournment, to give time for a better consideration of the various provisions of the bill.

After some discussion, the question was then put on the first part of the clause and agreed to, including the amendment of Lord Althorp, which made it as follows:—
“And be it enacted, that from and after the end of this present parliament, every male person of full age, and not subject to any legal incapacity, who shall have any lands or tenements for life.”

BELGIC NEGOTIATIONS.

AUGUST 18, 1831.

Sir Richard Vyvyan, after a speech of considerable length, moved, "That an humble address be presented to his Majesty, that he will be graciously pleased to give directions that there be laid before this House a copy of all the Protocols and other documents relating to the conferences on the affairs of Belgium, which can be laid before this House without detriment to the public service."

Lord Elliot briefly seconded the motion.

SIR ROBERT PEELE said, he was not at all surprised that his hon. friend, the member for Oakhampton, should think, that the time was at length arrived when it was fitting that the House of Commons of England should have its attention drawn to the state of its foreign policy. He was not surprised that at a period when the popular assembly of every country in Europe which possessed a popular assembly, had its attention exclusively directed, not to the changes to be made in its constitution, but to the momentous circumstances which threatened the independence and the tranquillity of Europe;—he was not surprised, he said, that at such a period—when the ministers of other powers imposed upon themselves no reserve, either as to their own intentions or the intentions of other nations, an independent member of parliament, contracting no official responsibility, and labouring under no official obligations, should think, that the time was at length arrived in which it was incumbent that the only popular assembly in Europe silent on such interesting topics should not be the British House of Commons. No doubt, premature disclosures were liable to many objections, but complete indifference, perfect passiveness, and utter silence, were also liable to still greater objections. From such a course of proceeding, there might be presumptions drawn, which were false and unfounded—as, for instance, that we were silent because we were indifferent to the drama now transacting in Belgium. The position in which he stood upon this subject, was rather different from that occupied by his hon. friend, the member for Oakhampton. His noble friend, the Foreign Secretary, acting upon his responsibility as a minister, declared, that he was precluded by paramount considerations of duty from entering into any discussion upon this subject. His noble friend had stated, that whatever might be the suspicions which hon. members might entertain as to the course of policy pursued by his Majesty's government, whatever might be the imputations cast upon it, and whatever the arguments on which those imputations might be founded, he was precluded by a sense of duty to his country from entering into any discussion, and even from vindicating himself against any charges which might be brought against himself personally. If his noble friend thought, that at this critical moment all discussion should be avoided, his noble friend was justified in avowing such to be his opinion, and in taking his determination accordingly. If his noble friend told him, that the time was not yet come in which he could vindicate himself from the charges of his opponents, without making disclosures which might prove injurious to the public service, then, as there would be something ungenerous in making such charges against him, he would bridle in his own feelings, and abstain from calling for certain explanations, which he thought his noble friend ought, under other circumstances, to be called upon to give. Whilst he abstained from making such charges, he was bound, in justice to himself, to say, that in the whole of the annals of England never was there a case which so imperiously demanded explanation—never was there a series of transactions on which, at a period when the members of his Majesty's government should be released from the obligations of secrecy, it would be more incumbent upon them to vindicate themselves from the charges which had been brought against them. He could not forget, that there was, in support of the statement of his noble friend, the peculiar hour, the critical moment, at which this discussion was taking place. His noble friend had complained of the numerous questions which had been put to him from the opposition side of the House, on the subject of our foreign policy. They originated in an anxious desire to promote the interest and the honour of the country, not in any desire to embarrass the government [a laugh from an hon. member on the ministerial benches]. The hon. gentleman who smiled at this observation, might have unlimited confidence in his Majesty's govern-

ment; he might not think it necessary to put any question to his Majesty's ministers; but it never was the practice of Englishmen, at moments like the present, to shrink from seeking such information from the government. Did the hon. member think, that at a moment when the king of France had declared, in the speech with which he opened his chambers, that the tricoloured flag was floating on the walls of Lisbon—at a moment when the French army was occupying the fortresses in the Netherlands—at a moment when, according to appearances, the only signs of military activity on the part of the British government were directed against its two most ancient allies, Portugal and Holland,—did the hon. member think, that such was the moment at which men who were anxious for the interests, and still more anxious for the honour, of England, were to be precluded from seeking information from his Majesty's government? His Majesty's ministers had always a right—and he did not mean to find fault with them for exercising the right—to refuse an answer to the questions which might be put to them [a cry of "Order, order"]. The hon. gentleman gave him an interruption, by his repeated calls for order, far more annoying than the disturbance of the gentlemen whom he wished to control.

Mr. Hume rose to order. It was not his hon. friend that had created this interruption; it was the cheering of some of the right hon. baronet's friends, who were then sitting around him.

An hon. member, seated just below Mr. Hume, likewise rose to order. He felt it necessary to state, that the disorder had been occasioned by the proceedings of the hon. alderman below him, the member for the city of London.

Mr. Alderman Wood rose to contradict the assertion which had just been made. He had interfered because he had heard an hon. member say with an oath, that "such language never yet came out of the mouth of man."

Sir Robert Peel would feel obliged to hon. members if they would replace him, without further delay, in the place in which he was before the interruption. He had been stating, that his Majesty's government had a right to refuse an answer to any question, an answer to which would be injurious to the public service, but then it must not be inferred, that because a question was put, it was put from a desire to embarrass the proceedings of government. What was the moment which his hon. friend had selected to put his question? It was the moment when France was occupying a part of the fortresses of Belgium. Whatever anxiety and alarm that occupation was naturally calculated to excite, he had heard, with the greatest satisfaction, the statement of the foreign secretary—a statement which he had not yet heard contradicted or qualified, and which he hoped would be verified in fact—namely, that the government had received assurances and engagements from the king of France, on which they could rely, that on the withdrawal of the Dutch troops from the Netherlands into Holland, the French troops would also be withdrawn from Belgium into France. That, he understood, was the answer given on a former evening by his noble friend, the foreign secretary, to a question which had been put to him by the member for Oakhampton. He trusted, that there would be no necessity to qualify that answer hereafter; but such being the answer of his noble friend, he was convinced that the period was so critical as to afford strong presumptive confirmation for his noble friend's declaration, that he was precluded from entering into any discussion. At a period so critical there was no medium between no discussion and discussion the most ample. He should, therefore, follow the example of his noble friend, and abstain from pressing questions to which an answer could not be conveniently given. He should not follow his hon. friend near him (Mr. Baring) into the consideration of the policy which was adopted towards Belgium and Holland in the treaties made at Vienna in the year 1815, nor of that which his hon. friend fancied ought to be pursued towards them now; for he could not enter into that discussion without transgressing the principle which he had just laid down. Even if this were the time for entering into it, he (Sir Robert Peel) should not have thought it necessary to enquire into the conduct of the king of Holland towards his Belgian subjects; for though he conscientiously believed, that the conduct of the king of Holland had been universally animated by a desire to promote the prosperity and happiness of Belgium, and that, for the fifteen years of his rule, the inhabitants of Belgium had enjoyed a degree of prosperity, liberty, and independence which they had never enjoyed at any past period of their history—yet, as a separation had been decided on between them,

and as any attempt to re-establish the union between them would be impracticable, in consequence of all the powers of Europe having concurred unanimously with Belgium and Holland, that a final separation should take place between them, he did not see any necessity for arguing on this occasion respecting the conduct of the king of Holland. He would avow, at once, that he placed no confidence in the statements of the speech of the hon. and learned member for Kerry. He considered him as a prejudiced, a most prejudiced witness. He recollected the attempts which had been made by that hon. and learned member to effect a similar separation between two other countries nearer our own homes.

Mr. O'Connell: "No."

Sir Robert Peel: The hon. and learned gentleman said, No:—why, had not his war-cry for some months past been for a repeal of the union between Great Britain and Ireland?

Mr. O'Connell admitted, that he had advocated the repeal of the union, but not the separation of the two countries.

Sir Robert Peel: The repeal of the union then was admitted. Why, all that he had charged the hon. and learned gentleman with was, that he had made attempts to dis sever the union now happily existing between the two countries; and when he heard the members of his Majesty's government cheering the hon. and learned gentleman, and rejoicing in the success of the attack which he had made on the king of Holland, he (Sir Robert Peel) could not help recollecting, that those very ministers had vindicated their renewal of the yeomanry force in Ireland upon the principle that the hon. and learned gentleman was attempting to repeal the union. How did he know, that the details into which the hon. and learned gentleman had entered, were correct? Had he not heard the hon. and learned gentleman speaking of facts which he stated had occurred in Ireland within the last fourteen days, and declaring that an officer of the Crown had publicly avowed, that he had received instructions in some late prosecutions, to challenge every Roman Catholic or liberal Protestant who might be called to serve on the Jury? A more grievous charge against a government could not be made; it was an accusation of interfering with the pure course of justice; but as soon as he heard it, he declared his conviction that it was, as it had subsequently proved to be, utterly without foundation. If the hon. and learned gentleman could in one case state that which he believed to be true, but in which the hon. and learned Solicitor-general for Ireland had proved, by incontestable documents, that the hon. and learned gentleman was misinformed—if the hon. and learned gentleman was so imperfect a witness on circumstances occurring so lately in Ireland, and in the profession, too, to which he himself belonged—might not he infer, that his statements of what occurred in a foreign country were, to use the phrase of the hon. member for Middlesex, all facts, but much exaggerated?

Mr. Hume asserted, that he had not used the words "much exaggerated," he had only said "highly coloured."

Sir Robert Peel persisted, that the words used by the hon. member were "much exaggerated." He recollected them well. The hon. member said "much exaggerated," but he would take the version which the hon. member now gave; for it would suit his purpose equally well. What a miserable dispute was this about words! As if a high colouring were not a statement by which a false impression was given to facts which were admitted to have occurred! But, said the hon. member for Middlesex, "There is not a word in the speech of my hon. and learned friend, the member for Kerry, from which it could be inferred that though he deemed him a bad king for Belgium, he deemed him a bad king for Holland." Why, what a notion must the hon. member have of regal qualifications, if he could suppose a king, acting on the principles imputed to the king of the Netherlands, could be a good king for any country. The hon. and learned member, however, not content with his observations on the king of Holland, had thought proper to taunt and insult him and his late colleagues: and had called that side of the House where they were seated the "Refuge for the destitute!" What right, what ground had he to apply to them those taunts and insults? They might have been driven from office, and some of them might feel the loss of its emoluments, but there was not one amongst them who would have condescended to repair his shattered fortunes by wringing a contribution from the pockets of the wretched peasants of Ireland. They had taken no course in their

public life which ought to have exposed them to the taunts and insults of the hon. member. They had never acted in defiance or evasion of the laws, and made that defiance or evasion turn to their own personal interest and profit. They had abstained from offering any insults to the hon and learned member for Kerry, and there were circumstances in his own case, of a personal nature, which ought to have prevented him from offering insults to others as unprovoked as they were undeserved.

Sir Richard Vyvyan explained and stated that he would not press his motion.

Sir Robert Peel hoped his hon. friend did not for a moment suppose, that he had meant to question the propriety of bringing forward the motion; he only meant to say, that ministers were justified in withholding any documents the publication of which might be of inconvenience to the public interests.

The motion was withdrawn.

PARLIAMENTARY REFORM.

AUGUST, 18, 1831.

On the House resolving itself into a committee on this bill, a lengthened discussion ensued on various clauses; Mr. Wason referred the committee to clause fifty-five, where it was said, that "if any returning officer shall wilfully contravene or disobey the provisions of this act, or any of them," and contended, that refusing to execute the duty of returning officer would be a disobedience; he apprehended, therefore, that the effect would be, that the returning officer would be liable to any penalties the House might think proper to inflict for the non-performance of his duty.

SIR ROBERT PEEL thought there was a distinction between the returning officers whose names were in the bill and those to be hereafter named by the sheriff. The former were already responsible officers—the latter might be any body whom the sheriff pleased. It would be competent for the sheriff, under this bill, to compel any man he pleased to select, who resided in any borough, to perform the duties of a returning officer. There was no example of any one man having such a power; and therefore it was necessary that this power of appointment should be regulated in detail. To propose to prop up the defects of the law by calling in the aid of privilege, was one of the most strange pieces of legislation he had ever heard of. In order to render the clause complete, some words and some additions were necessary, to prescribe the duties, both of the returning officer, and of the sheriff with regard to him. It was monstrous to give such a power to any one person as this bill would give to the sheriff under its provisions. A sheriff might prevent any man from leaving the country. This was so unjust, that it was plain the clause required to be re-considered; and he implored the hon. and right hon. gentlemen opposite to re-consider the clause.

Mr. Serjeant Wilde, Sir Charles Wetherell, Sir Edward Sugden, and the Attorney-general having spoken on the subject,—

Sir Robert Peel said, that the main question was, whether the sheriff ought to have the power of appointing returning officers, and whether the person so appointed would be under an obligation to perform the duties of that office. The duty of the returning officers was, to revise the list of borough voters, insert and expunge names, and rectify mistakes. This was a very extensive power; and he thought it would be admitted, that committing irresponsible power to any person without appeal was extremely dangerous. That irresponsible power was, however, given by the present clause to the sheriffs of counties; and it might so happen, that a particular sheriff had a son or a brother a candidate for the representation of a borough, while he had the uncontrolled appointment of the returning officer. He also observed, that the returning officers would not be chosen from a class of persons much elevated in life, because any one who could show, that he was qualified to represent a borough would be exempted from filling the office of returning officer. And there was hardly any person liable to be called on to serve, who might not in some way or other obtain a nominal rent-charge or some other qualification, to exempt him from the office. It was true, that the sheriff was selected, on the recommendation of judges of assize, by the privy council, and that one of his duties was, to be returning officer for a county;

but there was a great difference between such an appointment and the appointment of the returning officer to a borough by a single person. It used to be the case in Ireland for the Lord-lieutenant to have the unrestricted appointment of sheriffs; but so much inconvenience was found to arise from this practice, that an alteration was made in the system, and the judges of assize were directed to nominate three individuals, from whom the Lord-lieutenant chose one as sheriff. Upon the whole, he thought the power given by this clause to the sheriff was likely to lead to great abuse. There was another part of the bill which he wished to bring under the notice of the noble lord opposite. It was provided, that in case of the sheriff being incapacitated from doing his duty by sickness or other similar accident, a successor should be nominated, but no provision was made for the case of the sheriff being imprisoned for debt.

A number of clauses were agreed to, and the House resumed; the committee to sit again next day.

August 20, 1831.

The Chairman having read the eighteenth clause—"And be it enacted"—that notwithstanding any thing herein before contained, no person shall be entitled to vote at the election of a knight of the shire to serve in any future parliament in respect of any house, warehouse, or counting-house, or of any land occupied together with a house, warehouse, or counting-house, by reason of the occupation of which respectively he, or any other person, shall be entitled to vote in the election of a member or members to serve in parliament for any city or town, being a county of itself, or for any other city or borough."

And Lord Althorp having proposed to amend it,—

SIR ROBERT PEEL could not help thinking, that, even on the noble lord's own showing, it was advisable to confine the right of voting to towns in which the freeholds are situated. The noble lord said, that there were two objections to it: first, that it would destroy the simplicity of voting, and next, that it would let in non-resident voters. In his opinion, it would greatly tend to simplicity, and he asserted that the argument as to non-residents did not fairly apply. In all cases of residence, the freehold gave the right of voting for the electoral district, and not for the county. How much more easy would it be to practise frauds under the system now introduced, than by confining to one person the right of scrutiny? With respect to the necessity of enforcing the principle of residence in towns, it was admitted, that the same objections which applied to non-residents voting in towns, applied in some degree to non-residents voting for counties. If it was not right, and if it was expensive, in towns, to bring non-resident freeholders to the poll, it was equally so to bring them to the poll in counties. The advantage, therefore, derived in this view, from obliging the freeholders in towns to vote for the county was not all clear gain. Again, the same objections which applied to non-resident freeholders, applied still more strongly to non-resident freemen. A non-resident freeman had often no connection whatever with the place for which he was entitled to vote. The right was usually acquired by birth, marriage, or servitude; and there was no necessity for his having any property within the town. It was also to be considered, that the non-resident freeman was often a person in a very low class of life, and, therefore, open to bribery, and very often not able to bring himself to the poll. In any one town, however, that could be named, there were very few small freeholders—he meant freeholders under £10—who were able to go to any expense in bringing themselves to the poll. The question, however, was, whether the small freeholder, within the limits of a town, had not a greater connection with the town member, than with the member for the county. The freehold generally partook closely of the nature of the town. Whatever promoted the interests of the town, usually promoted the interest of the town freeholder, and he had more ready means of access to, and communication with, the town member than with the county member, who resided, perhaps, at a distance of forty miles. Believing, therefore, that the simplicity of voting would be assisted by making the alteration, and that the evils of non-resident voters would not be increased by it, it had his support, and he hoped it would be adopted.

The original clause, as amended, was agreed to.

CITY OF DUBLIN ELECTION PETITION.

AUGUST 23, 1831.

Mr. Robert Gordon, after a speech of considerable length, proposed the following resolution: "That it also appears by evidence adduced before the select committee, appointed to try and determine the merits of the petition of James Scarlett, William M'Cleary, and others, severally complaining of an undue election and return for the city of Dublin, that official influence has been unduly exercised by the Irish government, at the said election, and that such influence, as exercised by Captain Hart and Baron Twyll, in favour of the late members, was a gross violation of the privileges of the House, and in direct contravention of the Law of parliament, as laid down in the resolution of this House of 1779."

The Attorney-general moved as an amendment,—

"That an humble address be presented to his Majesty, praying that his Majesty would be pleased to direct the law officers of the Crown in Ireland to institute an investigation into the system of fictitious freeholds which prevailed in the city of Dublin, and to take such steps to remedy the evil as might seem to them most in accordance with the ends of public justice."

SIR ROBERT PEELE said, he wished to make an observation directed only to the order and form of the proceedings of the House—a matter of consequence when they were about to direct legal proceedings to be taken—and he would not be seduced by the hon. and learned member for Kerry, who complained of delay, to enter either upon the effect of the noble member for Buckinghamshire's amendment, or any other subject not connected with the question before the House. The simple matter was this:—The House had come to a resolution, that the system of bribery and fictitious voters at the Dublin election was a direct infraction of the law of the land. It was too late to consider that now, as it had passed; and it was proposed to follow it up with another—indeed, with two. One was to the effect "that the law officers of the Crown in Ireland be directed to bring to justice such persons as were guilty of bribing voters." An amendment was proposed, to leave out the last part of the resolution, and to substitute for it words to this effect:—"such persons as were concerned in illegal and unconstitutional practices." An objection had been raised at the other side, that it was not the practice of the House to give vague directions, but to select the persons to be brought to justice. He did not believe that to be correct; for it would be recollected, that, on an important occasion, the House had voted an address to the Crown after the riots of 1780, in very general terms. It was very vague, and only requested that his Majesty would direct the law officers of the Crown to prosecute any persons who were engaged in, or instigated those riots. It appeared to him (Sir R. Peel), however, that there was a considerable objection to the wording of the resolution. The hon. and learned civilian wished it to be so shaped as desiring the law officers to prosecute all such persons who might have been guilty of illegal and unconstitutional practices. It was too much to assume the guilt of any individual. Every prosecutor, it was true, might assume that, and the Attorney-general, no doubt, did so in every prosecution; but the House of Commons ought not to do any thing, or use any expression, which might prejudice any parties; and he would, therefore, rather see the word "charged" substituted for "guilty." Now, if they had voted, that the system pursued was an infraction of the law, surely it was too little that one class only should be punished, and it would be better if all who were charged with this infraction were directed to be prosecuted. In the first place, he thought it would be better to use the common phrase "prosecute" than "bring to justice;" and he would, therefore, suggest, that the wording be altered thus—"That the law officers of the Crown be directed to prosecute all such persons as shall appear liable to be prosecuted for an infraction of the law."

In reply to Lord Althorp, who thought it better that the resolution of the House should be confined to such offences as, being positively illegal, admitted of a legal remedy, leaving the mere moral offences, for which there was no legal remedy, out of consideration at present,—

Sir Robert Peel maintained, that, if the noble lord acted on this moral view of the case, perjury might pass unpunished, and yet it ranked in the eyes of most people

much more as a moral outrage, than the illegal practices of giving or receiving bribes.

The House divided on the amendment moved by the Attorney-general, corrected as follows:—"That the law officers of the Crown be directed to institute prosecutions against the individuals who were charged with having given bribes to certain electors for the city of Dublin, during the late election." Ayes, 224; Noes, 147—Majority, 77.

PARLIAMENTARY REFORM.

August 25, 1831.

On the House resolving itself into a committee on this bill, the chairman proposed the £10 clause.

Lord Althorp having stated the meaning and object of the clause,—

SIR ROBERT PEEL said, that he would adopt the suggestion made by the noble lord, (Lord John Russell) and postpone the discussion on the principle of this clause, until all the amendments had been made in it, and the question were put, that these amendments stand part of the clause. His reason for doing so was, that he did from his heart sympathize with the noble lord as to the delays interposed to the progress of this bill, not by its opponents, but by its supporters. All the gentlemen opposite were ready enough to hasten over the destructive part of the bill, but now, that they had come to the constructive part of it, more strenuous advocates for delay could not be found. He saw from the Order-book, that one gentleman who had supported the second reading of the bill, had given notices of four amendments upon it; at least, he saw the name of Mr. Hughes Hughes appended four times to such notices. As he saw no prospect of getting through these amendments, at their present rate of progress, in four months, he would postpone to the period which he had before mentioned, the discussion upon this clause. He rose, at present, to ask the noble lord opposite a single question. At present, to qualify a renter of a house of not less than £10 yearly value to vote, all the rent which shall have become due from him previously to the 1st day of July in each year must be paid up. Now, in the midland counties of England, the practice was, not to collect the rent, legally due at Michaelmas-day and at Christmas-day, until three months after each of those periods; and if this clause were passed in its present shape, the result of it must be, to alter the present practice; for no tenant would have a vote unless he should have paid up his rent on the day it became due. This would cause great dissatisfaction in the country; for it would deprive the tenant of a privilege to which he had been long entitled. He wished to know whether this point had attracted the attention of the noble lord.

Lord John Russell replied in the affirmative.

Sir Robert Peel continued:—the clause as amended will open a wide door to bribery and fraud. For the candidate will only have to pay up the poor-rates and taxes of an insolvent tenant, who is in arrear to his landlord, to entitle him to vote; by such means corruption will prevail to a greater extent than ever before known.

Lord Althorp was of opinion that the objections of the right hon. baronet did not apply to the present arrangement.

Sir Robert Peel replied, that people were generally aware sometime beforehand when a general election would take place. The consequence would be, that when a general election was expected, the candidate would pay up the voter's rates and taxes for the previous half year. He would thus get the voter's name on the registry, and the voter might then forget to pay up the rates for the next half year. Besides, he wished to know whether it would be bribery for a candidate to pay up a voter's rates and taxes which were due a year before the election? He believed that a committee of that House had decided, that to pay up the rates and taxes of a voter, to enable him to vote, was not bribery.

After a long discussion, and in reply to a speech from the Attorney-general,—

Sir Robert Peel said, if the persons to whom the hon. and learned gentleman alluded, formed a class of most respectable, independent, and intelligent voters, how

did it happen, that a bill had been laid upon the table of the House, within six weeks from the time when the hon. and learned member was speaking, to disfranchise the whole of them? At what period had it been discovered that they were a most respectable and intelligent class of voters? Government proposed to give them the right of voting by the original bill; but after two months of mature deliberation, the ministers became alarmed at the work of their own hands. They had created a power, endowed, like the monster in the novel, with tremendous physical energies, and when they found that they could not subject those energies to the control of moderation and reason—then it was that they shrunk appalled from their own success, and tried to destroy what they could not command or regulate. They then came down with another bill, by which they attempted to establish a more discreet class of voters—namely, those who paid their rent half-yearly. The real reason of the re-introduction of the clause which gave the right of voting to the intelligent and respectable class described by the Attorney-general was, that government had excited hopes which they were afraid to disappoint. That was the reason, and the only reason which could justify the re-insertion of the clause, but ministers shrank from acknowledging it. When the government had once told the artisans of Birmingham and Manchester, that they should have the right of voting, and when the proposition had become the subject of discussion in the Political Unions, it was not to be wondered at that ministers found it difficult to retract the original concession. But why did they not maturely consider their plan in the first instance? Why did they first propose to give the right of voting to hundreds of thousands of persons, as the Attorney-general said, and six weeks after bring in a bill to take it away, and then once more propose it again? In his opinion, there was no class of voters more likely to be under the influence of their landlords, than that of tenants who were liable to be ejected at a week's notice. Manchester, Norwich, Birmingham, and other large towns would have a sufficiently large constituency without this extension of the franchise. Those tenants in towns were in a very different position from that of the agricultural tenant-at-will, who could retain his farm six months after notice to quit had been served upon him. It by no means followed that a constituency of 30,000 voters, ensured a freer or fairer representation of a populous town, than a constituency of 3,000 or 4,000. Weekly tenants were to be found chiefly in the manufacturing towns, in which there existed already a numerous independent and respectable constituency, who would be overborne by the numbers of the class which the clause enfranchised. The introduction of that class into the constituency would deprive property and intelligence of their due influence, and, so far from improving, it would have the effect of degrading the representation. The powers which were given to Assistant-barristers and to Overseers, and the system of annual registration projected by the bill, would give rise to yearly electioneering contests; there would be no such things as an election without a contest, and the contest would be renewed at every returning period of registration. The system which this clause would establish, would be an imitation of the elective franchise of the United States in its worst feature. The House had been told, that the government was now, for the first time, to be carried on without patronage. For his part, he (Sir Robert Peel) thought it just and reasonable, that the government should exercise some influence over those whom it employed. On that account, he had not voted on another night against the government of Ireland, for doing, in a very clumsy and undisguised way, that which other governments before them had done with more discretion. Although he could not go the whole length of saying with the right hon. Secretary for Ireland, that preceding governments in Ireland had done the same thing to the same extent, yet he thought it natural and proper that they who were the immediate servants of the government should support the government. The House, by their vote the other night, had sanctioned, at least had positively refused to condemn, the exercise of such influence by the executive government. On what pretence, then, would it refuse to the possessor of property the exercise of a similar influence? The occupiers of houses paying a weekly rent, would be peculiarly subject to that influence. They were under the immediate control of their landlords, from the facility with which they could be dispossessed of their holdings under him. On all ordinary occasions they would be passive instruments in his hands, and in times of popular excitement, when ordinary considerations of interest were overborne by the clamour and fever of the moment, their whole

weight would be thrown into the scale of vehement democracy. He could see no public advantage, either in the ordinary, or the extraordinary, agency of such a class of voters.

After various divisions, the clause was adopted.

August 26, 1831.

The House having resolved itself into a Committee,—

The Chairman said, the question before the Committee was, that, at line sixteen of the old print of the bill, and at lines thirteen and fourteen of the new print of clause twenty-one, the following words should be omitted—"Shall, by reason thereof, acquire a vote in the election for any city or borough, if such rent shall be payable more frequently than once in every half-year."

The Question, "that these words be omitted," was carried.

The next question was, that the following words in their stead should be inserted down to the end of the clause—"Shall, by reason thereof, acquire a vote in the election for any city or borough, if, by any agreement or contrivance, or by virtue of any act of parliament or otherwise, the landlord shall be liable to the payment of the rates for the relief of the poor in respect of such premises; but that, nevertheless, where, by virtue of any act of parliament, the landlord shall be liable to the payment of such rates, it shall be lawful for any such tenant to claim to pay such rates, and upon his actually paying the same, to acquire the same right of voting as if his landlord had not been so liable for such rates. Provided also, that the premises, in respect of the occupation of which any person shall be deemed entitled to vote in the election for any city or borough, shall be the same premises, and not different premises respectively occupied for any portion of the said twelve months; and that, where such premises, as aforesaid, shall be jointly occupied by more than one person, each of such joint occupiers shall be entitled to vote in respect thereof, in case the yearly value or yearly rent of such premises, or the yearly value in respect of which they shall have been assessed or rated as aforesaid, shall be of an amount which, when divided by the number of such occupiers, shall give a sum of not less than £10 for each and every such occupier, but not otherwise."

A discussion ensued as to the meaning of the clause under consideration, and after some explanatory remarks by the Attorney-general, Lord Althorp, and Lord John Russell,—

SIR ROBERT PEEL said, as he understood the question, it was, that if a man paid £10 a-year rent and upwards, that gave him the right to vote, but this general right was qualified by certain local acts of parliament, which rendered the landlords of houses under the value of £18 liable for the rates. Whatever these might amount to, the tenant ought to have a corresponding reduction of his rent. If he claimed, by the payment of these to be entitled to vote, and if he did not obtain this, he was hardly treated. Considering these circumstances, he wished to suggest the propriety of adopting the system pursued with respect to the qualification for jurors, which was assessment to the poor-rates at a certain sum. If that were done, great difficulty would be overcome. He said this, however, assuming one uniform qualification for voting to be desirable, which he certainly did not think. God forbid an uniform right of voting ever should be established—but if it were, liability to the poor-rates was the simplest and the best criterion. Another test might be had in the number and size of the windows of a house. The clause, as it stood, would give a man who paid a certain amount of rent and taxes, a vote; but another who paid more to his landlord in rent, than his neighbour paid in rent and taxes, would have no vote because his landlord paid his rates.

Lord Althorp could not see the utility of the suggestion.

In reply to Mr. Serjeant Wilde, who was of opinion that a number of topics had been introduced into the discussion, which were quite irrelevant to it,—

Sir Robert Peel said, that upon a clause, by which they were constituting a new election system for the country, it would be very hard if they were to be tied down, during the discussion, to the strict letter of it. He wished to know whether the noble lord, in framing this bill, had at all considered how far the 59th George III., c. 12, operated upon this particular clause. This clause gave a right to vote to every

£10 householder, on the ground that such individuals formed a sufficiently enlightened part of the community to entitle them to that privilege. The preamble to the 19th and 20th clauses of the 59th Geo. III., expressed a very different opinion of them. He would take the liberty of reading it to the committee. It was as follows:—"Whereas in many parishes, and more especially in large and populous towns, the payment of the poor-rates is greatly evaded by reason that great numbers of houses within such parishes are let out in lodgings, or in separate apartments, or for short terms, or are let to tenants who quit their residences, or become insolvent, before the rates charged on them can be collected; and it hath been found in many instances the persons letting such houses do actually charge and receive much higher rents for the same, upon the ground and expectation that the occupiers thereof cannot be effectually assessed to the poor-rates, and will not be charged with, or required to pay, such rates, and do thus obtain an advantage to themselves, &c. &c.: for the remedy thereof, be it enacted, that the owner or owners of any house, being the immediate lessor of the actual occupier, which shall be respectively let to the occupier thereof, at any rent or rate not exceeding £20 nor less than £6 by the year, shall be assessed to the rates for the relief of the poor." The act of the 59th George III., which was a deliberate act of the legislature, evidently looked upon those £10 householders as any thing but an intelligent and a respectable class. The very next clause of that act was as follows:—"Provided also, and be it further enacted, that the goods and chattels of every occupier of any such house, &c., which shall be found in and about the same, shall be liable to be distrained, and sold for raising so much of any such rate or assessment, being in arrear, as shall have become due during the occupancy of the person or persons whose goods and chattels shall be so distrained, &c. Provided also, that every occupier who shall pay any such rate or rates, or upon whose goods or chattels the same or any part thereof shall be levied, shall and may deduct the amount of the sum which shall be so paid or levied out of the rent by him and them payable, and such payment shall be a sufficient discharge to every such occupier for so much of the rent payable by him as he shall have paid, or as shall have been levied on his goods and chattels of such rate, and for the costs of levying the same." So that the law of the land was, that if the occupier claimed to pay the rates, or paid a sum of money to redeem the goods distrained, he could clearly do it. Now, if the occupier of a £10 house paid the rates, he had the right by law to deduct them from his rent; and if he did deduct them from his rent, he ceased to be a voter. There was evidently a collision between this clause and the 59th of George III. He was convinced that, unless some arrangement were made between these two conflicting clauses, much confusion would arise. He hoped, that before the noble lord brought up the usual report on this clause, he would make some arrangement which would remedy this anomalous condition of the bill. The rates of course must be paid; but he was inclined to think, that the tenant who, on the faith of such an understanding as that supposed by the hon. member opposite, paid the rates for the purpose of voting, would have a right to recover from his landlord, or the poor tenant would have no protection; and if he made the deduction, in some cases he would lose the right of voting. Suppose, for example, a tenant had a rent of £13 a year, for a house on which his landlord was liable to £4 a year rates; if he deducted these he would lose his right of voting. Another difficulty appeared to him to be this. A case might arise in which a landlord had made a general composition for paying the rates for an entire row of houses, so that it would become a hard matter to ascertain the amount of rate which had been paid for any particular house as a portion of the whole.

Mr. Serjeant Wilde said, that, as the clause was now worded, the rates must be paid in order to entitle the tenant to claim his vote: but the tenant of a £10 house, as well as the tenant in joint occupancy, would be entitled to recover from the landlord, if he paid the rates beforehand for the purpose of voting. It frequently happened, however, that there were a number of small houses, of different sizes, of which the landlord paid the rates of all in one sum, by composition. Now, the only difficulty he felt was, as to the ascertaining of the proportion of rates in such cases, so that the tenant might be able to recover his vote, for he was inclined to believe, that in all cases the tenant could deduct the amount from the landlord, or recover it at law.

Sir Robert Peel was afraid that this bill, which used the words of the 59th George III., would give the tenants who paid their rates to secure a right of voting, a title to deduct that sum from their rent. It would be better, therefore, to give them this right of voting on payment of the rates expressly under the present bill.

The clause as amended was ultimately agreed to.

ACCELERATION OF THE REFORM MEASURE.

AUGUST 27, 1831.

Mr. Hume concluded a speech of some length by moving, "That in this present session of parliament, all orders of the day, set down in the order book for Tuesdays, Thursdays, and Saturdays, shall have precedence of all notices set down for those days."

Mr. O'Connell seconded the motion.

Lord Althorp was of opinion, that if the House were really to commence business at five o'clock, and sit till one or two in the morning, business would proceed as quickly as if the House sat at one in the afternoon. He hoped the hon. gentleman would withdraw his motion.

SIR ROBERT PEEL wished he was able to exercise some influence on his side of the House. That influence would then be exerted in favour of the suggestion of the noble lord, for he never saw business conducted in a manner which more entitled the individual conducting it to every deference. As it was quite evident, that the sittings of the House were protracted to this season with reference exclusively to the reform bill, he would take the liberty of earnestly advising every gentleman, as far as he felt it consistent with his duty, to avoid every other business which should interfere with the progress of the reform bill. He considered that it was not only convenient to members, but advantageous to the public interests, that gentlemen should be enabled to return to their seats in the country. That object could only be effected by devoting as much attention as possible to the reform bill. He hoped, that the example set by ministers would be followed, and that the suggestion to curtail the debates should be adhered to. He had not the slightest objection to meet at twelve o'clock; but it was a dangerous experiment to make, and a great interruption of existing habits. Even now the House got sometimes so bewildered with the introduction of words into the clauses—particularly when the chairman had the first edition of the bill, and the rest of the House the second—that it was often impossible to know what words were to be introduced. If the House closed its sittings at eight o'clock in the evening, four or five hours would be lost, because the habits of the House had been formed upon the plan of sitting till one o'clock. Let the noble lord persevere in the course he was now taking—let him appeal to the House in the way he had now appealed to it—and he (Sir Robert Peel) would venture to say, that not a single member would be found to oppose him.

The motion was withdrawn.

PARLIAMENTARY REFORM.

AUGUST 30, 1831.

On the motion of Lord John Russell, the House resolved itself into a committee on the English Reform bill.

The chairman said, the committee had proceeded in clause twenty-two as far as the words "be it enacted," and it was proposed to insert the following after those words:—

"That no person shall have a right to vote in the election of a member or members to serve in any future parliament for any city or borough, except in respect of the occupation of such premises as hereinbefore mentioned: Provided always, That notwithstanding any thing hereinbefore contained, every person now having a right to vote in the election for any city or borough (except those enumerated in the said

schedule A) in virtue of any corporate right, shall retain such right of voting during his life, in the same manner as if this act had not been passed, and shall be entitled to vote in such election, if duly registered according to the provisions hereinafter contained; and that every person now entitled to take up his freedom in any such city or borough in respect of birth, marriage, or servitude; and every son of a burgess or freeman of any such city or borough, such son having been born previously to the passing of this act; and every apprentice bound to any person in any such city or borough, previously to the passing of this act, shall be entitled to acquire the right of voting in the election for any such city or borough, either as a burgess or freeman, or in the city of London as a freeman and liveryman, in the same manner as if this act had not been passed, and shall enjoy the right so acquired during their respective lives in the same manner as if this act had not been passed, and shall be entitled to vote in such election, if duly registered according to the provisions hereinafter contained."

Mr. Edmund Peel proposed as an amendment, "To secure to the future resident freemen by birth, servitude, and marriage, a permanent continuance of their ancient and valuable rights."

Sir Adolphus Dalrymple seconded the amendment.

Mr. D. W. Harvey, in opposing it, stated his opinion that it originated with the enemies of reform, who had taken that course in the hope of entangling the friends of the bill, and impeding the triumph of the great measure itself.

SIR ROBERT PEEL said, nothing could be more unjust than the charge made against his hon. relative, by the hon. member for Colchester. His hon. relative, so far from having any wish to take advantage of a thin House, had given long previous notice of his motion. He had, at an early period of the session, intimated his intention of bringing the subject before the House, and on Saturday last he had waived his right to bring forward the amendment, on account of the small number of members in the House. It was not, therefore, the fault of his hon. relative if more members were not present to take part in this discussion. The question was, whether a case had been made out for disfranchising freemen? and he must say, that a more miserable defence had never been set up for any measure of injustice than for the present. The hon. member for Colchester had borne testimony to the character of the freemen of that borough—had referred to the privations and hardships which they were ready to undergo in the honest exercise of their hereditary privilege—and yet he expressed his determination of voting against them. The hon. member for Exeter, and the hon. member for Gloucester, and the hon. member for Newcastle, gentlemen who were friendly to the bill, had all borne testimony to the independence of the freemen of their respective boroughs; but hon. members, in spite of such authority, were ready to give up the cause of their constituents. It was not true, as had been argued, that if this clause were rejected, his Majesty's ministers ought to relinquish the bill. They would not be justified in relinquishing the bill on such grounds. The amendment would not give the right of voting to non-residents. It confined the franchise only to resident freemen, who had obtained their freedom by marriage, birth, or servitude. He was unwilling to forfeit the franchise of those who had done nothing whatever to deserve the forfeiture, and who were described by all the members who had spoken, as persons of great respectability and independence. The hon. member afforded them the consolation that their conduct might be an example to the £10 householders. A fine example indeed! They have exercised their privilege with integrity and honour—and what is their reward? That they are to forfeit it for ever! He had said last session, that it would be a great hardship to exclude altogether from the franchise those persons who rented houses under the value of £10; and, notwithstanding the sneers of some hon. members who talked of an endeavour to enlist the discontented in favour of the opposition to the bill, he retained the same opinion. It was an error to sever altogether the connexion which now existed between that House and the humbler class of voters—unwise to brand all below a particular line with disqualification; it was a great hardship, too, on the excluded class—many of whom, in country places, were men of better education than those of the same rank of life in populous cities, and the day would yet come, when they would step forward and declare, that they were not satisfied, and claim the restoration of their rights. It was the argument of the supporters of the bill,

that this class was advancing in intelligence, and why then exclude them now, when they are capable of understanding the injury, from all participation in the constitution? He was not for an indiscriminate admission of any class of voters, but he was for the maintenance of existing hereditary privileges, particularly when those privileges were possessed by the humbler classes of society. We had an hereditary monarchy, an hereditary aristocracy, and hereditary rights to property. We defended all these with the utmost pertinacity, but we had no scruple in confiscating the hereditary privileges of freemen. Beware of the precedent you are establishing. You cannot forfeit one class of hereditary privilege, though it be the humblest, without shaking the foundation of all. Independently of considerations of justice, there were considerations of policy to recommend the preservation of the corporate right of voting. It would tend to diminish the force of that objection which had been urged to the uniformity of the franchise established by the bill. He hoped he should have the support of the Attorney-general for the amendment; for the hon. and learned gentleman on a former occasion had argued, in discussing the 21st clause, that the more numerous the constituency, the more likely were they to be independent and incorruptible. The effect of the bill would be, to reduce the number of voters, in some instances, from 1,500 to 400, and in others, even so low as ninety-six. He was sure, therefore, that the Attorney-general could not, on his own principles, agree to such a reduction. The privilege was not prized by the present possessor so much on his own account, as on account of the hereditary right which the father transmitted to his children; on that ground, and not on any sordid principle, the loss of this privilege would be severely felt. The ministers had tried, but could not purchase the consent of the freemen to the forfeiture of the birthright of their children, by protecting their own existing interest in the franchise.

The committee divided on the amendment: Ayes, 131; Noes, 210; Majority, 79.

PUBLIC WORKS (IRELAND) BILL.

SEPTEMBER 16, 1831.

The House went into a committee on this bill.

On the 24th clause being read, Mr. Hume objected to it on the ground that it gave power to the grand jury to raise money by loan for the purposes of these works, and moved an amendment, the effect of which would be to secure the repayment of the money in five years instead of ten.

On the amendment being put,—

SIR ROBERT PEEL thought, that as some alteration was to be made in the grand jury system, it would be better to wait till then before they granted a sum of £500,000 to be placed at the disposal of the grand jury, which was, at present, an evanescent and irresponsible body. At the same time, he thought that, in legislating for Ireland, they often made three holes in attempting to mend one. He wished to see the nature of the system to be substituted, for at present he viewed the expediency of granting money to grand juries in Ireland, to be expended on public works, with some doubt. He was more anxious to grant money for Ireland than for England, because it was more wanted; but he wished it to be expended on some sound principles of economy.

Mr. Sheil having expressed his opinion that public works, wherever they had been carried on in Ireland, had produced great public benefits,—

Sir Robert Peel said he was of the same opinion. He had not intended to vote against the clause. If the alternative were offered him, either to reject the clause, or let it stand as it did, he should adopt the latter, much as he disliked the intrusting this grant to grand juries. He thought it would be an improvement of the clause to substitute five years for ten.

The committee divided upon the amendment: Ayes, 43; Noes, 81; Majority, 38.

PARLIAMENTARY REFORM.

SEPTEMBER 19, 1831.

Lord John Russell moved that the Order of the day for the third reading of the English Reform bill be read.

The motion being agreed to, the order of the day was read.

Lord John Russell then moved that the bill be read a third time.

On a division the numbers were:—Ayes, 113; Noes, 58; Majority, 55.

[So sudden and unexpected was the division, that about eighty members, amongst whom was Sir Robert Peel, were shut out. Their entering the House immediately after the motion was disposed of, occasioned considerable laughter].

Lord John Russell then proposed the following clause, to be added by way of rider to the bill: "And be it enacted, that if a dissolution of the present parliament shall take place after the passing of this act, and before both Houses of parliament shall have voted addresses to his Majesty, praying his Majesty to issue his royal proclamations as herein before mentioned, in such cases such persons only as would have been entitled to vote in the election of members to serve in a new parliament in case this act had not been passed, shall be entitled to vote in such election, and the proceedings at all such elections shall be regulated and conducted in the same manner as if this act had not been passed; but if a dissolution of the present parliament shall take place after both Houses of parliament shall have voted such addresses as aforesaid, and before the last day of April, in the year 1832, in such case such persons only shall be entitled to vote in the election of members to serve in a new parliament, for any county, part, riding, or division of a county, city, or borough, as would have been entitled to be inserted in the respective lists of voters for the same, directed to be made under this act, if the day of election had been the day for making out such respective lists; and such persons shall be entitled to vote in such election, although they may not be registered according to the provisions of this act, any thing herein contained notwithstanding; and the polling at such election for any county, or part, riding or division of a county, may be continued for fifteen days, and the polling at such election for any city or borough, may be continued for eight days, any thing herein contained notwithstanding."

SIR ROBERT PEEL wished to call the attention of the House to one or two objections which struck him to the present clause. That such a clause was necessary he was ready to declare, but that the present one met the difficulty of the case, he could not so readily admit. In the first place, it struck him that it placed, on the chance of a refusal of the House of Lords to concur in a proposal made by the House of Commons, the actual nullifying of the operation of the bill altogether. For what did the clause propose? That if a dissolution take place before "both" Houses shall have agreed to a specific address, to be founded on the report of the district-division Commissioners, such and such things shall take place. Now, suppose the House of Lords should not approve of this report, and therefore should withhold its assent from the proposition for an address, was it not plain that for every practical purpose the bill would be negatived? Now, this objection was not met by the present clause, which, indeed, was based on the assumption that "both Houses" would, as a matter of course, sanction the report of the Commissioners. It was true, he was ready to admit, the chance of their disagreeing was very remote—that the difficulty which he was pointing at was very improbable; but still it was possible, and if it occurred would be fatal to the bill, supposing the general measure to have been in the mean time approved of by the Lords and Commons, and that objection were not conquered. The second objection was of still more force. The clause provided, that after the "last day of April, 1832," should a dissolution take place, either by a demise of the Crown, or the exercise of the prerogative, that the right of voting shall be just as if the bill had passed into a law. Look to the results of such an arrangement. In such a state of things, they would have neither the votes under the existing system, nor the constituency which the bill was intended to provide, but would be placed in this strange position—that they would be obliged to receive the vote of every man who presented himself, and said he rented a £10 house. The bill provided, that a strict registry, with a very complex machinery, should be preliminary to the right

of voting; that, in fact, no man could be entered on the list of voters who had not been duly registered, and undergone every proper scrutiny, as to his qualifications, before the registering officers. But the clause was founded on the fact, that no such registry had taken place: that was an extraordinary state, and any person might vote, whether he were registered or not. One right of voting was by occupancy; and if the votes were not registered, how could it be known that the claimants actually had such a right? The supposition was, that no registering of the new votes had taken place which would create difficulty, and there could be no enquiry whatever as to the validity of the claims. Every man who supposed he inhabited a house of £10 rent, or which would be assessed to the poor-rates, would claim a right to vote. He would tender his vote, and there would be no means of controlling or refusing him, and no means of checking his assertion that he lived in a house rated at £10. All enquiry, then, would be set aside, and every person who brought forward a claim must be allowed to vote. Admitting the necessity of some provision like the present clause, he could not support it, because he considered the first part of it as very clumsy, and the latter part of it as very objectionable.

The clause was agreed to, and added to the bill by way of rider.

SEPTEMBER 21, 1831.

The Order of the day for resuming the adjourned debate upon the third reading of the English Reform bill having been read,—

A discussion ensued, in which Sir Charles Wetherell denied the right of the Crown to suspend the issuing of writs to all places enumerated in schedule A, and concluded by moving as an amendment that the debate be adjourned till to-morrow.

The Speaker having put the amendment from the chair,—

Mr. Crampton offered some remarks by way of explanation, and was followed by Lord Althorp, who said it was a most unusual course, and almost directly at variance with the usages of that House, to stop the progress of a debate for the purpose of calling upon his Majesty's ministers to give an explanation of any point upon which any hon. member might conceive certain opinions to have been propounded.

SIR ROBERT PEELE said, it now appeared that the opinion of the hon. and learned gentleman, the Solicitor-general for Ireland, was not in unison with that of the noble lord who held the principal place in his Majesty's government in that House, but that, on the contrary, the noble lord considered the doctrine to which his hon. and learned friend had referred, an unconstitutional doctrine. Whether it were strictly legal the noble lord did not take upon him to say. But, when the first minister of the Crown in that House declared, that the maxims advanced could not be defended as constitutional, he conceived that the object of his hon. and learned friend was answered, and that he might very well, with the permission of the House, withdraw his motion. The hon. and learned gentleman complained of the unkindness of his hon. and learned friend. Why, undoubtedly, all motions referring to the opinions of individuals might have an air of unkindness; but could the hon. and learned gentleman suppose, that any thing but a paramount sense of duty had induced his hon. and learned friend to bring the matter forward? He admitted that, generally speaking, it was not usual to make the members of a government responsible for the opinions of their subordinates. But this was a question of prerogative, and one upon which the ministers themselves would be the legitimate advisers of the Crown. When he heard the hon. and learned gentleman, in the second version of his opinion, declare, that the Crown had the power, in concurrence with the House of Commons, to suspend the writ for any place it pleased, he could not help saying, that if such were constitutional doctrine, they held every right and every privilege, however important, at mere sufferance. But let the House not proceed further in an interruption of the great question before it. He thought his hon. and learned friend had done what was perfectly just and proper, in eliciting the declaration which had been made by the noble lord, and, that declaration having been made, the necessity of his hon. and learned friend's motion, and of any further discussion upon it, were prevented.

Sir Charles Wetherell ultimately withdrew his motion.

Towards the close of the debate, Sir Robert Peel spoke to the following effect:—

Sir—At this late hour, in this exhausted state of the House, and exhausted state

of the debate, I will, if the House will lend me its attention, dismiss the notice of every subordinate and extrinsic topic, and proceed at once, without a laboured preface or superfluous apology, which only consume time, to the consideration of the capital and paramount interests that are involved in this discussion. I pass by the exciting topics of the French revolution—I say not a word on the details of the bill—they have been treated already with consummate ability; and of all the objections which I have to this measure, the smallest of them is—that it is impracticable. One preliminary observation I must make, in response to the sentiments declared by the Chancellor of the Exchequer. If in this debate, from this side of the House vehement or angry expressions have been occasionally used, they have been used without the desire to inflict pain on the feelings of our opponents, and if that pain has been felt, it is now shared by him who gave it. If, on the other hand, attacks of at all a personal nature have been made upon us, they are now buried in that oblivion which extends, we trust, over our own casual warmth or intemperance.

I proceed at once to those two great questions which throw all others into the shade. First, what are the motives for making the greatest practical change that was ever deliberately made in the constitution of any country; and secondly, what are the prospects of real and substantial good to be effected by that change? When the noble lord (Lord Althorp) told us that he was about to make a speech of more than ordinary length, I did think, notwithstanding all our past disappointments, that the time was at length arrived when his Majesty's government would give us some satisfactory explanation on these heads—that, instead of merely repeating, that we must pass the Reform Bill—that the people require it—that we must yield to their wishes—I did expect to hear, even at this eleventh hour, first, a calm exposition of the practical evils and grievances endured by the people of England; next, a demonstration that those evils and grievances, the existence of which was so established, were fairly attributable to defects in the constitution of the government; and lastly, that there was a reasonable prospect that the projected change in the constitution would provide a remedy for the evil, and redress for the grievance. I have heard nothing of the kind from the noble lord. His speech was little more than a desultory answer to cavils and objections that have been made to the details of the bill.

The noble lord says, the bill makes no change in the constitution of the country—that it leaves untouched the sovereign authority, and the functions of the House of Lords; and he consoles us by telling us that, after the bill has passed, we shall have, as we had before, the King, the Lords, and the Commons. But what avails it to retain the name and the form, if the essence and the substance be lost? Will the Crown, will the House of Lords, continue to possess the legitimate independent authority which the constitution assigns to them? If they will not, they become unsubstantial pageants, unreal mockeries, that serve no purpose but the purpose of delusion. The names and the forms are to be retained! And when was it that power was usurped—whether that usurpation was effected through the ambition of single men, of oligarchies, or of popular assemblies—when was it that names and forms were not retained? And for what purpose? Why, to ensure the success of the encroachment, to avoid too violent a shock to the prejudices and feelings of the governed—to pay a dishonest homage to those instincts of our nature, which rally round ancient institutions, involuntary and unreasoning affections. What tyrant in ancient history—what successful soldier in modern times—what democratic body, aiming at the monopoly of power, has been foolish enough to neglect the outward observance of these politic decencies? Not Cromwell—not Buonaparte—not the popular assembly in France that framed the Constitution of 1791. That assembly professed their respect for monarchy, and their devotion to the person of their king, and while they did this—

“ Upon his head they put a fruitless crown,
And placed a barren sceptre in his gripe;”

thus mocking him with the emblems of a power, the substance and reality of which were transferred to themselves. This bill does not violate the forms of the constitution—I admit it, but I assert, that while it respects those forms, it destroys the

balance of opposing, but not hostile, powers: it is a sudden and violent transfer of an authority, which has hitherto been shared by all orders of the State in just proportions, exclusively to one. In short, all its tendencies are, to substitute, for a mixed form of government, a pure unmitigated democracy. It may be said, and said with truth, that it is easy to assert this, as it is easy to deny it, and that mere gratuitous assertion, unaccompanied by proof, is worth nothing. Proof we cannot have—we cannot demonstrate the future consequences of new institutions—or of changes in those that exist; but this at least cannot be denied—that all great changes in government are of uncertain issue—that the tendency of popular assemblies, in an equal degree at least with other depositories of power, is to increase their own authority, and that the facilities for that increase are peculiarly great. And it does, in my opinion, admit of clear and unquestionable proof—that the effect of this bill is, to make a most extensive change in the whole system of government—first, by a positive addition to democratic influence—and, secondly, by a removal of those checks by which such influence has been hitherto balanced and controlled. What is the character of the change we are about to make? It is not a change limited by the necessity of the case; we are not content with the destruction of nomination boroughs, but we act as if we were seeking pretences for wanton innovations—as if we preferred change, not for the good it effected, but for the principle it established. Granted, for the sake of argument, that nomination boroughs must be disfranchised—but why alter the constituency of every county, every city, every borough, without exception, in the United Kingdom? Why enact that the ancient boundaries and limits of almost every place must be changed; and why give authority to a score of roving commissioners to make that change in every place, if they shall so think fit? These unnecessary innovations, not required by any principle of the bill, make of themselves, quite independently of their practical operation, a change in the temper and spirit of the people: they sow the seeds of perpetual restlessness; and they involve the certain consequence—that this cannot be a final measure.

This bill, I repeat, gives an enormous exercise to democratic influence. It does this by the character of the constituency it establishes, and by the removal of every existing check on popular passion, without the substitution of any equivalent control. We double the weight in one scale, and as if that were not sufficient to destroy the equilibrium, we make a corresponding deduction from the other. The constituency of towns is to consist of £10 householders. Objections have been made to this right of voting on account of its uniformity. It certainly is not uniform. You take an absurd test of property and intelligence, and you just invert the principle on which it should be applied. In the small town, where a general right of voting might be exercised with comparative safety, you limit the right. In the small town, house-rent is low; weekly tenancies scarcely are known; and many a respectable and intelligent man occupies a house which is neither rated nor valued at £10. But in the large, overgrown, manufacturing town, there, where you might with ease have constituted a very numerous, and at the same time a respectable and intelligent constituency—there, where house-rent is high, where the worst part of the press has the greatest influence—where there is the facility for clubs and combinations—there you overbear the weight of education and property, by admitting to the right of voting every mechanic who may pay 3s. 10d. a week for his habitation. This very man, who has so little substance that his landlord will not trust him with longer than a weekly occupation, whom the magistrates will not accept as bail because they do not consider him in the light of a resident householder, is to have a privilege, which numbers and combination will make an exclusive one. I will do the government the justice to admit, that they saw the danger of their own enactment; they tried to retract—they made the effort to exclude the weekly tenant—but they were soon rebuked by a higher power; were made to apologise for their inadvertence, and compelled to restore the weekly qualification, notwithstanding their admission of its danger.

Having, by the right of voting thus established, given almost a predominant weight to democracy, you studiously exclude, at the same time, every counter-vailing influence. In estimating the reduction of that influence, you must not look to this bill alone, but must consider the effect of those other bills which are

to change the system of representation in Ireland and Scotland. In Ireland that system, as originally founded, did not overlook the necessity of guarding by special precautions the interests of property, and the interests of the Established Church, as opposed to numbers, and to the religious tenets of the majority. So modified, that system did operate, in some degree, as a practical check upon democratic influence generally. That system, though the absolute necessity of new precautions was admitted three years since—was admitted almost as a condition of the removal of Roman Catholic disabilities—is now to be totally abandoned. The Scotch representation is to be changed; it, too, was a practical check upon democratic influence. I say not whether it was a check wisely contrived—I do not contend that it must be necessarily continued because it served that purpose—I only assert the fact, that it did operate in the manner I have described; and that the removal of that check, without the substitution of an equivalent, increases the power on which it established a certain degree of control.

The influence that was exercised by peers, not as peers, but as possessors of property, through the nomination boroughs, is to be utterly annihilated. So rapid is the progress of the principles to which this bill is subservient, that doctrines that were repudiated at the commencement of this discussion are now openly maintained. It was said at first, that all that was sought was to destroy the illegitimate authority exercised by the House of Peers. It was then contended, that by the original theory of the constitution, the two branches of the legislature ought to be perfectly independent—that all influence exercised by the House of Lords in this House ought to be carefully excluded—and the express reason given for this exclusion was, that the Lords had a co-ordinate authority with ourselves. But now a new doctrine is maintained—a doctrine extending far beyond the present case—which teaches the House of Lords, that they, like ourselves, must conform to the popular will—that they hold no independent authority—or at least, that if they dare to exercise it, it is exercised at the peril of their order; and it was reserved for this night to hear, and to hear from an officer of the government—from a sworn legal adviser of the Crown—that there is not only a power, but a strict legal and constitutional right, to legislate without the intervention of the Lords. I am not surprised at the manifest incredulity of a great portion of the House. They did not hear the speech of the Solicitor-general for Ireland, and they certainly will not believe, without having heard it, as we did, that the law-officer of the Crown maintained, that if it should please the House of Commons to address the Crown to omit the writ of election to any number of places specified in the address, the Crown would be authorized, without reference to the House of Lords, to omit the writ, and thus remodel the House of Commons at his own discretion. One exception from its principle the Solicitor-general did make, but that exception was limited to Milborne Port—the nomination borough which he himself represents. His doctrine was, I admit, utterly disavowed and repudiated by his colleagues—but what must be the change already made in the temper of men's minds, and their views of the constitution, when a learned and estimable man, specially selected to advise the Crown on questions of constitutional doctrine and prerogative, can gravely and deliberately maintain, in spite of statute laws to the contrary, that the House of Lords is a cipher, and that we and our constituents, if we should displease a majority of this House, incur the risk of perpetual disfranchisement at the pleasure of the sovereign!

There remains, as a check upon democratic influence, the influence of the Crown. That influence is already so diminished, as far as patronage is concerned, that it scarcely tells in the scale. Even the prerogative of the choice of its own ministers, though nominally left to the Crown, is confined by this bill within the narrowest limits. The Crown will not be able to appoint to high office any man who may maintain an unpopular opinion—who may shrink from the trouble or expense of a contested election—who may despise the arts by which popular favour is frequently acquired—or may dislike the exhibition of a hustings. The single circumstance that you make every election, without exception, a popular election, has a tendency to affect the practical working of the government, and to diminish the authority of the Crown in respect to the choice of its ministers, in a degree, the amount of which it is difficult to calculate.

Here I close this part of my argument, the object of which has been to show, that

the substantial change made in the constitution of this country, whatever deference there may be to forms, is one of immense and perilous extent—that it is a change entirely in favour of democratic influence, effected by the double operation of positive addition to that influence on the one hand, and the removal of all opposing and counterbalancing power on the other.

Surely there is tremendous hazard in this change—why do we incur it? Give us the satisfaction of feeling that we are justified in making this great experiment—that there are some evils, felt or impending, from which we shall escape—some good, some real and substantial good, which we may reasonably hope to attain. To repeat to us night after night, that the people demand this change, and that, whether for good or evil, it must be made, is any thing but satisfactory to a rational and dispassionate mind. We are here to consult the interests, and not to obey the will of the people, if we honestly believe that that will conflicts with those interests. It is to invert the relation of the people to their representatives, if we are to exclude all exercise of our unfettered judgment, all calculation of probable consequences, and to yield without resistance, and against our reason, to the prevailing—perhaps the temporary—current of popular feeling. If the object sought were a definite one—if we could estimate the just extent and value of the concession—we might have the less reluctance to the grant; but we fear that our first advance will be on a declivity, that our first resting-place will not be a secure one; we fear, that the prophecies of good may not be realized, that we may have to contend hereafter with the suggestions of defeated hopes and mortified pride, unwilling to admit an error, too prone to attribute failure not to the extent, but to the limited character of the first innovation; and to insist on the progress of the *mouvement*, as indispensable to the accomplishment of its object. Where is the madman that would refuse compliance with these demands of the people, on any ground of private interest—of the loss of borough influence by this peer or that great proprietor—on any ground, in short, but the honest one, of rational doubt, whether the change required is for the general and permanent good? If that doubt be sincerely entertained, it cannot be satisfactorily resolved by the vain repetition, “The people will have the bill, and you must pass it.”

I propose to review those arguments in favour of this measure which have been mainly relied on in the course of the present debate. They are almost exclusively confined to one speech, the speech of the member for Calne (Mr. Macaulay), who felt that, for decency's sake, something more was wanting than a mere appeal to the number of petitions, and the general demand for the bill—and who, from his acuteness and eloquence, was wisely selected to supply the deficiency.

One hon. gentleman who preceded him (Mr. Hawkins, member for Tavistock), made an observation which I will notice before I examine the argument of the member for Calne. He said, in a speech which, by the way, coming as it did from a man of great ability, and therefore considerable authority, was an example of eloquence which I hope will not captivate the reformed parliament. The age of concocted witticisms is past, time is too precious for laboured antitheses, and long strings of elaborate and frigid conceits. The hon. gentleman was profuse in his attacks upon us; we do not deprecate his wrath, we only entreat him to visit us with some more intelligible and less tiresome infliction.

The hon. gentleman argues that there are anomalies in the present system of representation, which are revolting to reason and good sense; that there may, he admits, be anomalies in the new system; but as they are fewer in amount, and less in extent, than those discoverable in the old, therefore we who cling to the old have no right, on the score of anomaly at least, to object to the new.

I answer, in the first place, that no system of government, no institution, must necessarily be condemned on account of apparent or even actual anomalies. A mixed government is an anomaly in the eye of him who is a professed admirer either of absolute monarchy or a pure democracy. A mixed government implies the necessity of mutual checks and controls on opposing elements. The check and control, abstractedly viewed, may be, and probably is, an anomaly; but viewed with reference to its object—to its influence on the general working of the system of which it is a part—it may not be open to condemnation—nay, so far from it, it may be an inherent part of the system, and an indispensable condition to its successful opera-

tion. The more complicated the system, the more mixed the relations which enter into the frame of it, the more caution is necessary in determining the real character and value of apparent anomalies. In the case of simple institutions—the existence of very striking anomalies—of objections, which would appear *à priori* to be insuperable—is any thing but an argument for their destruction, nay, the very anomaly itself is sometimes of the essence of the institution. Not an hour since, the Chancellor of the Exchequer declared his admiration for the trial by jury, and was indignant with some one who doubted the love and veneration of the whole body of the people for that process of judicature. And are there no anomalies in the trial by jury? Conceive the case of an educated and intelligent man, versed in the principles of jurisprudence, but knowing nothing of their practical application to any state of society. Tell him there is a country, in which every question of life and death—of all heavy penal afflictions—of almost all controversies about property and civil rights—must be determined by twelve men selected by chance, each of whom calls his God to witness that he will give his verdict according to the evidence. Tell him, that in that country the twelve men, so constituted judges, must be unanimous, that no sentence can be inflicted, no right decided without it, and that the mode of bringing about unanimity is by the process of confinement and starvation of the judges. Will he believe that this is the system extolled by the noble lord as perfect in practice, and endeared to a civilized and enlightened people by the actual experience of its result? Is hereditary monarchy no anomaly? “Of all forms of government,” observes Gibbon, “it presents the fairest scope for ridicule. You cannot relate,” he says, “without an indignant smile, that, in a country teeming with the bravest warriors and wisest statesmen, the government of a nation descends to an infant in a cradle. But,” he adds, “our more serious thoughts will respect a useful prejudice that establishes a rule of succession independent of the passions of mankind; and experience overturns those airy fabrics of government, devised in the cool shade of retirement, which confer the sceptre on the most worthy, by the free and incorrupt suffrage of the whole community.” It is clear, too, that an hereditary aristocracy must share the fate of hereditary monarchy, if mere anomaly and speculation, apart from experience, were to be decisive of the question of their existence.

But, says the hon. gentleman, if there are anomalies in the old system, why may not there be anomalies in the new? There may; but we require a reason for them, and we require it the more, if the anomalies admitted into the new system are at variance with its own principles. There is this distinction between them and the old. They have no prescription to plead in their favour—they must rest for their defence on reason, and reason alone; they have no hold on the feelings and affections of the heart; they have derived no charm from the mellowing hand of time. The anomalies of antiquity are to the anomalies of yesterday what the hereditary honours of a Russell or a Howard would be to mine, were I to present myself to the House of Lords with a new patent of peerage—the reward or the condition of my support of this bill of reform.

I return to the argument of the hon. member for Calne (Mr. Macaulay). He says, and says justly, that we must not denounce the reform bill because it cannot fulfil extravagant expectations of good to be derived from it. He says, there is much evil and much distress which are beyond the reach of political institutions—that government has no power in these days to feed the hungry with miraculous supplies from heaven—and that we must submit with patience to privations and disorders for which there is no remedy. But if all this is true of the reform bill, it is true of the present constitution. There is evil—notorious and admitted evil—but the question is, not whether it exists, but what is the proportion in which it can be fairly imputed to defects in the system of representation, and what is the prospect that reform in the representation will be the cure for it? The hon. gentleman has attempted to solve this, by far the most important problem. He has not contented himself, as many others have done, with the mere argument—“The people will have the bill, and therefore it must be passed; there are anomalies, and therefore they must be removed;” but he has attempted to show, that there are actual evils and grievances resulting from the present constitution of the House of Commons, and that reform is the proper remedy for them. Now, there is satisfaction in reasoning with an opponent who takes this as the true ground of defence of the bill; and the hon. gentleman is

fairly entitled to demand, either an answer to his arguments, or the admission that they are well founded. Let us, therefore, take his list of practical evils, and examine whether they can be fairly imputed to the want of reform, and whether they are likely to be removed by the grant of it.

First, says the hon. gentleman, what we desire is that there shall be an open field for the exertions of industry, facility for the accumulation of property, and security for the enjoyment of it when accumulated. Now, I never heard it denied, that, under the institutions by which this country has been long governed, there existed, and in a very marked degree, that facility and that security. There have been complaints of too rapid accumulation; of too great a monopoly of wealth; but I never heard the complaint, that there was any obstruction to the most successful development of industry. As for the security of property, there seems to have been in the past times at least, as much confidence on that head as there is likely hereafter to be, should the present bill pass into a law.

The hon. gentleman then complains of monopolies, and says a reformed parliament will ensure the destruction of all monopolies, and the establishment of free-trade, and the removal of commercial restrictions. Why, Sir, of all the measures that for the last ten years have occupied the unreformed House of Commons, these have been the most prominent. They have been brought forward, and have been completed mainly through the exertions of those who were hostile to reform. There has been opposition, no doubt, strenuous opposition to the progress of some of the measures that were founded on the principle of commercial freedom. When Mr. Huskisson proposed to remove the restriction on the silk manufacture, he was encountered by the most vehement opposition; and I well recollect a speech delivered by Mr. Canning, which inflicted on one of his opponents a memorable castigation, and which compared the spirit in which that opponent acted, to the same hostility to all improvement which dictated the persecution of Galileo, and worked the downfall of Turgot. But who was the opponent? Was he an anti-reformer? No, but a strenuous parliamentary reformer—the gentleman (Mr. John Williams) who, only last night, made a very vehement and able speech in favour of this very bill. There seems then no necessary connexion between the support of reform and the support of liberal principles of commercial policy. I, with many other persons hostile to reform, have supported those principles—I still adhere to them—unshaken in my support of them. But, suppose they have not been carried far enough—suppose the crying evil under which this country is now suffering is the want of free-trade—let me ask, is that the prevailing opinion? Is the public outcry just at present for more free-trade? Does the learned gentleman really think that the new constituency of £10 householders, is precisely the class which will insist on the free importation of foreign manufactures? Will he enquire from the glove-makers of Worcester, or the ribbon-weavers of Coventry, or the persons employed in any other manufacture in any other town, whether they attribute the dulness of trade, the lowness of wages, or any one of the privations which they may occasionally suffer, to the want of more free-trade? In this case then, first, I deny the existence of the evil; and secondly, if it exist, I deny that reform will ensure the remedy.

The next grievance to which the hon. gentleman referred, is the want of enlightened legislation generally. He laments over the indisposition of parliament to promote the comfort and enjoyment of the lower classes of society, and complains that the penal laws, and the laws for the security of property, are not founded on enlarged principles of jurisprudence. Now, on this head, I have some comfort to offer the learned gentleman. The last time he spoke he was haunted by the apparition of fines and recoveries. That ghost is laid—for in this unreformed House of Commons, a bill has been brought in with very general assent, by the member for Stafford, in which fines and recoveries are treated without the slightest ceremony. And where, Sir, are the obstructions at present to the enlarged and enlightened legislation which the learned gentleman calls for? It ought surely to originate with the king's government. They command a large majority in this House; and the same men who support them on reform, will no doubt support them in any measures for the improvement of the law. If there has been delay in the introduction of them, the fault rests not with the House of Commons, but with the government. It may be said, and said with truth, that the House of Commons has been so occupied with

reform, that there has been no time for the consideration of such measures here. But the House of Lords has not been overburthened with labour. There the government had an open field for their philosophic and benevolent exertions—there they might have easily and conveniently originated those great schemes of reform that are to promote the enjoyments of the labouring classes, and to embody the sound principles of jurisprudence. Government have not wholly lost the opportunity. While we have been engaged on reform, the House of Lords has been considering two measures brought forward by the government; one for regulating the consumption of beer, the other for the security of property endangered by wicked incendiaries. Here was a glorious occasion for exemplifying the new principles—for contrasting our indifference to the comforts of the poor, our ignorance of the true principles of legislation, with the liberal and enlightened policy which is to be the offspring of reform. But what are the Lords doing? They are actually, at the instance of the present government, correcting the excesses of our too liberal policy. We have made the trade in beer too free—we have been too enlightened—we listened to the *Edinburgh Review*—we were assured by the great advocates of improved legislation, that the consumption of beer was exactly like the consumption of bread—that as no man would eat too much bread, so no man would drink too much beer—that men are the best judges of their own interests, and, therefore, would never get drunk. It is now discovered that we were in error, and that, so far from being chargeable with stinting the comfort of the poor, and with being enamoured of restrictions on free-trade, we have erred in the opposite extreme.

Now for the penal legislation, for the laws that are to secure property. The noble lord (Lord Althorp) informed us some time since, that there were under the grave consideration of this government, laws for giving that security, and for repressing the crime of incendiarism. I had not a doubt, that the new principles were now to be called into action, that property was to be protected, through the instrumentality of laws—sanctioned by the sage of the law (Mr. Bentham)—eschewing all severity of punishment, appealing to reason and nature, and deriving support from their conformity with the general feelings and sympathies of mankind. Really, Sir, I burst out into an involuntary and incredulous laugh, when I first read, that the great measure for the security of property that had been under the grave deliberation of the government, was the restoration of man-traps!

I could hardly believe that this enlightened government had been driven to the sad resource of hunting in the index of repealed acts of parliament, and that the only product of their united wisdom was the repeal of the Spring-gun bill. I felt sorely for the member for Stamford (Mr. Tennyson). It was hard, that after raising a proud monument to his own character as a lawgiver, by the abolition of spring-guns—it was hard on him, that his own colleagues should undermine the foundations of that monument, and rob him of all his fame. Here was again the error of following the *Edinburgh Review*. It wrote articles indignant at the use of spring-guns—convinced the House of Commons that they ought to be abandoned:—and here is another instance wherein the Lords are obliged to correct the blunders, not of our illiberal, but of our too liberal policy. How shall we in this respect gain by reform?

The hon. gentleman, in speaking on this part of the question, taunted the members of the late administration with having fled from the government at a time of general embarrassment. Sir, if we did fly, it was not until this House gave a significant hint that it had withdrawn its confidence from us. It left us in a minority on the first proposition which we made for the maintenance of the dignity of the Crown. Our flight was not very unexpected; for I well remember, such was the eagerness for our departure, that scarcely had the division been proclaimed, when I was pressed from this side of the House to state, whether the government did not intend forthwith to resign office? It was considered by our opponents as a matter of course, that, being in a minority on the civil list, we had no alternative but to retire. Now, that we are out of office, we are taunted with having fled from it; but while we were in office, the charge was that we clung to office with too much pertinacity. I very much doubt whether the moral quality of this offence—the flying from office—does not materially vary with the parties that commit it, and with the position of the men who condemn it. The learned gentleman, sitting behind his friends in

the government, denounces it as a heavy political sin. But it was not so before. It is wonderful the change that takes place in the appearance of the same identical object, when it is viewed from different quarters. Given—a commissioner of bankrupts as the spectator—flight from office as the object to be viewed—what will be the variation in the appearance of that object, when seen by the commissioner from the back benches of the opposition, and from the front benches of the ministerial side of the House? This is a curious problem in moral optics; and as the learned gentleman is, no doubt, a mathematician, he probably will attempt to solve it.

The hon. gentleman says, that when we had carried the Catholic question, and had thereby forfeited the confidence of our former supporters, our hold upon the country was lost, and our ability to carry on the government was at an end. Why then taunt us with abandoning it? The hon. gentleman also says, although he approves decidedly of the act, that we carried the Catholic question against the feelings and wishes of the middle classes of the people. What, Sir, are the £10 householders ever in the wrong? Are they (the new constituency) sometimes on the illiberal and intolerant side? Are there occasions when it is wise and just to oppose popular opinion, and to risk the loss of popular favour, by preferring the real interests of the people to their present wishes and demands? If this be true of one question, why may it not be true of another? Why is that doctrine, that was sound on the Catholic question, to be scouted as absurd on reform?

But to return to the public grievances and public calamities of which reform is to prevent the recurrence. Reform is to prevent war. We are speaking in the sixteenth year of peace, maintained with an unreformed parliament, and we are to reform it as a security against war. But was the last war commenced or continued against the sense of the people of this country? The learned gentleman is himself an evidence that it was not. He wished to illustrate, by comparison, the present unanimity of the people in the cause of reform, and he says such unanimity has not prevailed among the people of England since Buonaparte threatened us with invasion from his camp at Boulogne—this was in 1805. The country threatened with invasion must take precautions against it. The people who are unanimous for resistance, demand defensive measures proportionate to the means of attack. The war that is thus continued is a war for existence as a nation: and it is the war of a people, and not the war of a government, or of a corrupt, unreformed House of Commons. The truth with respect to war is this; it is very popular at its commencement, but, like a convivial entertainment, the most disagreeable part of it is the payment of the bill. Can any man doubt, that when Buonaparte returned from Elba, in 1815, the feeling and the rational conviction of this country was in favour of war? When an address was proposed in this House—the spirit of which was decidedly warlike—it was met by an amendment, moved by Mr. Whitbread, the object of which was to deprecate war. The number that voted for that amendment, out of 658 members, was thirty-seven. Men of all parties supported the address. Mr. Grattan, Mr. Ponsonby, Mr. Plunkett, spoke and voted for war. Now, what was the expenditure of that single year, 1815—an expenditure not at variance with, but in strict conformity with, the sense and wishes of the people? It exceeded £110,000,000. The Navy, Army, and Ordnance Estimates alone, amounted to £54,000,000. The people themselves would have hurled from their seats any ministers that refused to make the exertions which led to the battle of Waterloo and the overthrow of the power of Buonaparte. If the people now murmur at the cost of those exertions—if they have changed their opinion as to the policy of them—if the recollection of the glorious successes of the last war is now become painful—if Trafalgar and Waterloo are odious sounds—let the people, repenting of their former enthusiasm, make good resolutions for the future, but do not let them offer up as the atonement for their own folly—if they deem it folly—the ancient institutions of their country.

This topic, and those immediately connected with it, are of all the most important. The public burthens are the chief stimulants of the cry for reform, and they would justify the demand for it if they had been really imposed to defray profligate and useless expenses—if they had dried up the resources and exhausted the strength of the country—or if, by an unjust partition, their chief pressure were not on the rich, but on the productive and industrious classes. It cannot be denied that those burthens are heavy—but in determining their relative weight to those of other countries, it is not

enough to take merely the amount of taxation in this or any other country—you must also take, in each country, the amount of the capital and wealth out of which that taxation is to be defrayed. One country may be much more heavily burthened than another, though the rate of taxation, on every necessary or luxury of life, be lighter in the one than the other.

Neither can it be denied that there may have been occasional instances of extravagance. These things must and will occur under every form of government; but the question is, whether the great mass of the public expenditure has not been incurred, in an almost infinite proportion, for honest and necessary purposes. Has there not been also, concurrently with that expenditure, an increase of the national wealth and resources? Hear the testimony, not of Anti-reformers, but the testimony of the most competent witnesses, those witnesses being, at the same time, strenuous reformers. Says Mr. Ricardo—"Notwithstanding the immense expenditure of the English government during the last twenty years, there can be little doubt but that the increased production on the part of the people has more than compensated for it. The national capital has not merely been unimpaired—it has been greatly increased; and the annual income of the people, even after the payment of the taxes, is probably greater at the present time than at any former period of our history. For the proof of this we might refer to the increase of population—to the extension of agriculture—to the increase of shipping and manufactures—to the building of docks—to the opening of numerous canals—as well as many other expensive undertakings; all denoting an immense increase both of capital and annual production." So far Mr. Ricardo. Now, hear the comment on this, in 1830, of Sir Henry Parnell:—"As ten years have elapsed since Mr. Ricardo wrote this opinion, and as similar proofs can be referred to, to show a continued increase of production, the conclusion is, that the national capital and income are now much greater than they were in 1819."

But it may be said, although the expenditure was necessary—although the national resources remain unimpaired—yet the partition of the public burthens among the various classes of the people, is unequal and unjust. Hear again Sir Henry Parnell on this important point. He estimates the total amount of the taxes raised from the people at £50,000,000; of these, he says, £38,000,000 are paid voluntarily, and out of the surplus income of individuals, over and above what is requisite for purchasing the necessities of life. He adds, "that so long as £50,000,000 must be raised, the above-mentioned large portion of it (£38,000,000) is obtained in a way but little liable to any real objection; and if the remainder was provided by taxes of the same kind, the whole revenue would be paid without any serious injury."

Now, of the remaining £12,000,000, some part has been already remitted and modified; and what is there to prevent the present House of Commons making any remission or modification of the remainder which it may be prudent or just to make?

In those desponding views of the future, which are so frequently taken, Sir Henry Parnell does not participate. He says—"As to our future prospects—there is no reason to doubt that a continued augmentation of capital will take place, even in defiance of many obstructions. The same moral, physical, and external causes, which have contributed to the existing amount of national wealth, are still in operation. The free constitution of the government—the exact administration of the laws—the protection afforded to foreigners, and the toleration of all religions—will produce the same effects they have hitherto done. Whatever evils press just now on our manufactures—the more we examine our situation, the more we shall find it possible to trace them to causes of a temporary character."

Here, then, is a picture, drawn by a reformer, of this great and powerful country. Some temporary causes of distress—but those causes sure to be dissipated by the more powerful operation of permanent causes of prosperity—a free constitution—laws exactly administered—protection to foreigners—perfect religious toleration. How can this reformer, on his own showing, with any semblance of justice, expect me to assent to the reasonableness of the change which he proposes under the name of reform?

Here I conclude this part of the argument. I have attempted to show, that there do not exist any such practical grievances—any such insecurity of the blessings we have actually enjoyed—as would warrant us in incurring the risk of so extensive an

inflict that heavier penalty—of involving me in their responsibility—of making me an instrument for accomplishing an act—by which we, the liferenters of those institutions, that have made our country the freest, the happiest, the most powerful nation of the universe, are to cut off from those who are to succeed us the inheritance of what we ourselves enjoyed.

Lord John Russell having replied, the House divided on the motion that this bill do pass: Ayes, 345; Noes, 236; majority, 109.

REGISTRY OF ARMS (IRELAND) BILL.

SEPTEMBER 23, 1831.

Mr. Stanley announced his intention, in consequence of the advanced period of the session, and the absolute necessity of asking for some bill on the subject, to move for the discharge of the Order for the adjourned debate on the importation of arms, and the keeping of arms in Ireland bill, with a view of bringing in another bill to revive for one year the acts 47th and 50th George III., which had been in force for many years, but which had now expired. He should therefore move, that the Order of the day be discharged, that the expiring bills might be revived for twelve months.

SIR ROBERT PEELE was gratified to hear of the approaching termination of the session; but, at the same time, he could hardly admit it as a proper ground, or a proper excuse for withdrawing the two important bills relating to Ireland, which the right hon. gentleman, in the course of the session, had introduced. Even supposing that their labours for the session were about to close, surely there were still the same facilities for discussing these measures in September, as there would have been in May or June. He certainly should have thought that upon such a subject, no measure would have been introduced which was not necessary; but to propose measures of extreme severity, and then to withdraw them without discussion, for the only reason that the session was too far advanced, appeared to him to be both inconvenient and improper.

Mr. Stanley thought the course he had adopted did not deserve the language applied to it by the right hon. baronet, and it was not true that he had brought forward a measure without consideration, and then abandoned it without regret.

Sir Robert Peel did not say a word about the consistency of the right hon. gentleman, and therefore his observations on that point were ill-timed and uncalled for. The right hon. gentleman said, a few weeks ago, that he brought forward a bill which he submitted to the House for the registration of arms, as he considered that such a measure was absolutely necessary to the preservation of the peace in Ireland, and to the maintenance of the just authority of the Crown. This bill was of unusual severity, and imposed the punishment of transportation for merely possessing arms that had not been registered. Before this bill was brought forward it ought to have been well considered; and, if this had been done, it ought not to have been abandoned in the manner in which it was by the right hon. member. According to his understanding of common terms, the expression—the late period of the session—implied the termination of it. He did not charge the right hon. member with inconsistency, in having brought forward a bill and abandoning it; but his conduct appeared to him (Sir R. Peel) to be liable to the charge of having acted with some degree of levity on the subject.

Order of the day discharged.

POPULAR EXCITEMENT.

OCTOBER 4, 1831.

Colonel Evans rose to propose a motion, which he supposed the House would agree with him in thinking one extremely proper to be entertained at the present moment. He would beg leave to move an humble address to his Majesty "For copies of

papers remaining in any of the public offices, tending to show the extent of the insurrectionary movement expected to have broken out in the metropolis on the 9th of November last: also, of any arrangements or plans of operation for putting down the same by force of arms, so far as these may be communicated without detriment to public safety: also, returns of expenses for movements of troops collected to be in readiness to act against the people on that occasion, or incurred for any addition to the defences of the Tower, towards increasing the cannon and musket-fire capable of being brought to bear from it against the surrounding streets or buildings."

After some remarks from Sir Henry Parnell and Mr. Hunt,—

SIR ROBERT PEEL said, as the House seemed much averse from entertaining this motion, nothing was requisite for him to do but remind the House, that he had at the time fully explained the motives which induced the government to take the precautions alluded to. He had then adverted to the communications which had passed between the government and the lord mayor, and said, that from these and the symptoms of popular discontent then observable, the government had exercised a sound as well as a humane discretion in securing the public against the miseries of a popular commotion, by providing means for its immediate suppression. The precautions were entirely defensive; and, had the necessity for ascertaining the fact occurred, they would, he believed, have proved effectual, and, by prompt interference, have averted the anarchy and bloodshed which must have been the consequence of a want of preparation to meet such an exigency. He hoped never to see a ministry neglect such precautions. He would only beg the House to bear in mind the events of 1798, in comparison with the crisis alluded to by the hon. member; and then he did not doubt their concurrence in his opinion—that humanity, as well as good policy, required that those precautions should be taken. Those precautions were not to act offensively against the people, but defensively, and for the protection of their best and dearest interests, which were inseparably dependent on the preservation of the public peace.

The motion was negatived without a division.

PROSECUTIONS ON ACCOUNT OF RELIGION.

OCTOBER 5, 1831.

Mr. Hunt presented a petition, numerous signed by respectable persons, inhabitants of the Metropolis, setting forth their disapprobation of prosecutions on account of uttering religious opinions, and praying that Mr. Taylor might be relieved from the very severe punishment he was suffering, which was contrary to justice, and exceeded the sentence passed upon him.

Lord Althorp was of opinion that Mr. Taylor's offence was not one requiring the interference of government.

SIR ROBERT PEEL said, the unaffected detestation expressed by the hon. and learned gentleman (Mr. O'Connell) of the doctrines and conduct of Taylor, he was sure met with the full concurrence of the House. He had heard the hon. and learned member's remarks with great satisfaction. He also agreed with him in thinking, that very great discretion ought to be exercised in instituting such prosecutions as that under which the person in question was suffering. He had successfully tried the experiment of non-prosecution, but it was extremely difficult to withstand the representations of good and religious men. As to the question which had been propounded by the hon. member for Middlesex, he believed few would agree with him that there should be unqualified impunity, or that all laws which bore upon the questions of religion and morals should be repealed. Why, what would be the result of such a state of things, but that people whose feelings were outraged, would resort to personal violence? He acknowledged it was difficult to lay down any precise rule; but he could never admit that every person might attack the first truths of Christianity at their own discretion. Protection was principally required by the young and thoughtless; not that it could be harmed by the statement of facts, by calm reasoning, or by philosophical discussion, but by insult, burlesque, ridicule, and passionate appeals, such as this man Taylor was in the habit of using. He appeared in the

costume of a clergyman, and did all he could to insult the feelings and principles of every man attached to the Christian religion.

The petition was ordered to be printed.

STATE OF THE NATION.

OCTOBER 10, 1831.

Lord Ebrington at the close of a speech of considerable length moved the following resolution:—"That while this House deeply laments the recent fate of a bill for reforming the representation, in favour of which the opinion of the country stands unequivocally pronounced, and which has been matured by discussions the most anxious and laborious, it feels called upon to re-assert its firm adherence to the principle and leading provisions of that great measure; and to express its unabated confidence in the integrity, perseverance, and ability of those ministers who, in introducing and conducting it, have so well consulted the best interests of the country."

In the debate which ensued,—

SIR ROBERT PEELE said, he could not but regret that the hon. and gallant member (Col. Evans) should think it necessary to put a hypothetical case of establishing a government of the sword. Such hypothetical assumptions of governments established by the sword was like the pouring of oil, of which the learned member had just spoken—it was pouring the oil of the sword on the stormy waves of our present discontent, when hon. members said, that they wished that the angry passions might be soothed, and that the excited feelings of the people might be calmed. He had meant to take no other part in this discussion than was necessary to vindicate his own consistency in the vote he should give, and he should not have departed from that determination had not the speeches lately made formed such a signal contrast to the speeches of the noble lord who opened the debate, and the hon. member who seconded the motion. The noble lord meant, by proposing his resolution, to pledge the majority who had passed the bill to adhere to its principles. The noble lord naturally expected that the members who voted in that majority would vote for his resolution; and naturally perceived, that those who voted against the bill were precluded by that from acceding to his resolution. When the hon. and learned gentleman who had spoken some time before (Mr. Macaulay), said, nothing had been uttered on the principle of the resolution—did he expect—did the House expect, after the long discussion of what the hon. and learned gentleman called disgusting and weary details of the bill; did the hon. and learned member expect, that on that occasion they were to renew the whole debate on the question of parliamentary reform? Those who would now vote for the resolution had already proved their approbation of the principle of reform; and he must consider it quite unnecessary that those should again agitate the subject who had expressed their opinions by voting against the second reading of the bill. The object should rather be, to place the subject at rest; and he did not think the agitation was likely to be calmed by again renewing the discussion. It would be more meet, under the present circumstances, to use the language of wise moderation. The great majority of the House had no occasion to prove by the present resolution their attachment to reform; and they would best support the constitution, and best secure their own view of being very moderate, and calming the excited feelings of the people on this important subject, by voting against the motion. Nothing certainly which had happened should make him not adhere to that moderation he recommended. He could not forget, that on the last time he had addressed the House, he had expressed his satisfaction that no personal differences had taken place during the debate, and the noble lord's (Lord Althorp) reply had expressed a hope that all animosity would be buried. He knew not what necessity there was now to revive animosity. It was not justified by the occasion on either side, either in defending the administration, or in assigning the reasons in detail for withholding confidence from the government. In stating some of the grounds for withholding that confidence, he should avoid all acrimonious discussion. If the majority thought it advisable to agree to a resolution to support the bill, in order to place it upon the records of the House, that was not the time for

him to enter into verbal criticism of the resolution, for which he certainly did not mean to vote. He, however, doubted, under the circumstances, if it were wise in the noble lord to call on the majority to agree to such a resolution. He thought the divisions on the bill a sufficient proof of the determination of the House to support the bill, without entering into any such resolution. That resolution called upon the House to affirm two propositions, not necessarily connected. They were called upon to declare in favour of the reform bill, and to declare at the same time, that his Majesty's government was deserving of their confidence. He thought it unwise to call on the House to assent to the two propositions in one resolution, and it would be more complimentary to his Majesty's government, as well as more customary, to give expression to the confidence of the House in a distinct resolution. Allow him to say to the hon. gentleman opposite (Mr. Thomas Duncombe), that he had heard his speech with great pleasure, and was only prevented from giving it great praise by the compliment the hon. member had thought proper to pay to him; but that speech was distinguished by a tone of moderation which the majority would do well to adopt. The hon. gentleman thought it would be most unfortunate if his Majesty had no other alternative to pass the bill but to create a number of Peers. He said, that every other measure ought to be adopted in preference to that, and that such an alternative should be only had recourse to if all other means failed; he was anxious that the House should not despair, and thought that there was yet time to avoid the difficulty by meeting the Peers half-way. But if the hon. member entertained any hope of that, was his course wise? Why, the resolution he supported, cut off all hope for ever of moving one step towards reconciliation. The hon. gentleman had a strange policy; for while he recommended the House to go half-way, he recommended it steadily to adhere to the bill. He hoped to meet the other House half-way, and he counselled the House of Commons not to move one step. The tone of the hon. gentleman's speech was that of moderation, but he supported a resolution which cut off all hopes of a compromise. Was it not evident that there was a contradiction between the hon. gentleman's speech and the resolution he supported? Hon. members must see, that the resolution was a compulsory proposition. Another hon. gentleman had said, that the provisions of the bill might have been modified had it not been for the obstinacy of the opposition. According to that, it was the troublesome opposition which prevented the bill from being made perfect; but the vote the House was called on to come to, implied that it had been made perfect by their obstinacy. It was urged, as one ground for the resolution, that the bill had been matured by discussions the most anxious and laborious. And the fault he had to find with the resolution was, that it implied that this bill ought to be adhered to, when an equally efficient measure might be introduced, which this resolution would preclude them from accepting. Why pledge the House to the bill as it stood, and why exclude themselves from accepting another measure equivalent to that? The resolution pledged the House to all the provisions of the bill—it pledged the House to the £10 clause. One of the many provisions, which was much insisted upon, and which was much objected to, was the uniform right of voting given to the £10 householders. Now, he had heard it stated, he would not say where, nor by whom, but he had heard it stated by a person of high consideration, that the arguments on the uniform right of voting had gone far to shake his mind, and he should be prepared to listen to extensive modifications. Great improvements, therefore, might be made in this part of the bill, though he did not say those improvements would be restrictions; on the contrary, in some cases there might be a considerable extension of the right of voting. That was a most important part of the bill. Perhaps some plan might be acceptable which would give that right to small towns at a lower rate, and restrict it to a higher rent in the larger towns: at any rate, the right might be advantageously modified; but if the House agreed to the resolution, they would pledge themselves against any modification of that or any other of the provisions of the bill. They might pledge themselves, if they pleased, to adhere to the principle of the bill; but by pledging themselves to adhere to the provisions, they would prevent all improvement. On these grounds he objected to the resolution. He doubted the policy of the majority who had supported the bill, pledging itself to adhere to the bill; but being a member of the minority which had done all in its power to oppose the bill, he must give his decided opposition to a resolution which pledged him and the House

to that bill. He had heard the hon. and learned gentleman (Mr. O'Connell) complain of the weariness and tediousness of discussions; he taunted the opposition with being the authors of those tedious debates; but the resolution, of which the hon. and learned gentleman was one of the most strenuous supporters, said, that the bill had been matured by discussions the most anxious and laborious. The noble lord's resolution vindicated the pertinacious opposition, and on these grounds called on the House to support the bill. The resolution embraced two subjects—that of reform, and confidence in the government. The House was called upon to express its confidence in the integrity of the ministers, their perseverance, and their ability in introducing the reform bill, and in conducting it through the House. He did not wish by any means to lower the character and weaken the power of the executive government; and, in expressing a difference of opinion from the resolution, he begged to be understood as not implying any doubt of the personal integrity or perseverance of the ministers; neither did he express any doubt of their ability in debates; but without doubting their personal integrity, their perseverance, or their skill in debate, he might still be far from placing confidence in them as a government. He could not, for example, extend his approbation to the manner in which they had introduced the reform bill, nor the time of introducing it, both of which were, in his opinion, inconsistent with the interest of the country. The resolution praised their conduct on these points, and against that part of it he could give a most conscientious vote. There were several other parts of their conduct which he did not approve of. The repeal of the coal duties had his approbation, supposing it practicable so far to reduce taxation; but their foreign policy, which he would not enter into, was any thing but favourable to the interests of the country. But, without stating all his objections to their policy, it was sufficient for him to say, that the government was not entitled to his confidence on account of the manner in which they had introduced and supported the reform bill. The hon. and learned gentleman (Mr. Macaulay) said, that refusing to acknowledge the principles of this bill would expose them to a greater domestic danger than this country had ever before been exposed to. The hon. and learned member for Calne had told the House to look on the precipice on the brink of which they were standing, and he referred this danger to the conduct of those who had opposed the reform bill. The opposition, however, considered that his Majesty's ministers were mainly responsible for the crisis, from the extent of the bill they had introduced, from the time when it was brought forward, and from the manner in which its temporary success had been ensured. He would undertake to say, that in the excitement which had been produced throughout the country, if the ministers were to propose a bill for the abolition of the hereditary peerage, which the hon. and learned member for Kerry said might speedily become a question, it would not be difficult to persuade the people that the abolition was consonant to their interests, and that the peerage was full of anomalies, and at variance with their rights. He could not help complaining of the tone of the hon. and learned member (Mr. Macaulay). He lamented the expressions adopted by the hon. and learned gentleman, and his observations on the present state of domestic danger. Why did the hon. and learned gentleman seek, by stating strange principles, and exaggerating difficulties, to increase that danger? Why did he seek to augment dangerous passions on dangerous topics? Why did he not follow the example of the noble lord? Admitting they stood on the brink of a precipice, why did he endeavour to increase their danger, and embarrass the course of government, by inflaming passions which it was so desirable to lull? He must say, that the eloquence of the hon. and learned gentleman not unfrequently got the better of his judgment; and now and then, though there was some semblance of argument in its declamation, when it was examined it was found to make rather against than for his side of the question. Then the hon. gentleman had stated, that the House of Commons was generally, in relation to the House of Lords, in the right, and the bills it had sent up to the Lords, though at first refused, were afterwards assented to; but if the House of Commons had this general means of persuading or compelling the House of Lords to adopt its views, what became of that part of the hon. member's argument which went to state, that the House of Commons was dependent on the House of Lords? Did not that prove that the two Houses were independent, co-ordinate powers, and that the opinion of the House of Commons generally prevailed? He was sorry that the hon. and learned gentleman, in talking

of danger, had again introduced menaces into his speech—that he thought it right to menace the House of Lords. The hon. and learned gentleman's whole argument turned upon the principle of intolerance—I am right, and you are wrong. That was the whole of the hon. and learned gentleman's assumption. He thought, however, that he was supported by physical power, and then he said, "You must give way." Could he not think that he was addressing high and honourable men, who were capable of being influenced by reason and argument? and would it not have been more wise to expect to influence the decision of the other House by reasoning than by threats—threats that, if they did not pass the bill, they should be proscribed and exiled like the nobility of France? The hon. and learned gentleman said, that it was important to produce tranquillity; and, therefore, he voted for the resolution of the noble lord: but, if he wished for tranquillity, would he call upon the House to enter into a pledge which excited hopes, perhaps encouraged discontent, and kept alive agitation? The hon. member indulged in prophecies; and he never heard prophecies more likely to realise themselves than those of the hon. and learned member. Instead of calling on the people to demand the bill, why not enjoin them to rest satisfied and contented? Why encourage discontent and dissatisfaction? Why tell the people how they might resist the law, as the hon. and learned gentleman did? The hon. and learned gentleman (Mr. O'Connell) had alluded to the state of the metropolis, when an infamous attack had been made upon the life of the prime minister, and that prime minister the Duke of Wellington; an act of the basest ingratitude and the greatest wickedness. The hon. and learned gentleman had alluded to the intended attack on the Duke of Wellington [Mr. Macaulay intimated that he had not alluded to any such thing]. No, it was the hon. member for Kerry he was alluding to; who had considered the attack on a prime minister of England, and that prime minister the Duke of Wellington, as the result of bitter excitement on this question; but while that hon. member had spoken of the base attack on the life of the Duke of Wellington, not indeed by the middle classes, but by the lowest classes, the hon. and learned member for Calne had explained how they might avoid the penalties of the law, and avoid paying the taxes. Was not that exciting the passions of the people? The hon. and learned gentleman deplored the excesses of the people, and their readiness to resist the law, and said it was hardly necessary to make a speech directing them how to show their hostility. He would also say a few words to the other hon. and learned gentleman (Mr. Sheil), who had imitated the hon. and learned gentleman, but had fallen below him. He would not follow the hon. and learned gentleman, being warned by his example, that the ambition to make a great attempt does not ensure success. The sentences of the hon. and learned gentleman bore the marks of much labour, and were a credit to his industry. He had given the House several old stories, and among others that of the Sibyl; and on her he thought the House had already drawn often enough during these debates, and he hoped the rules of the House concerning females would, in future, be extended to her, and that she would not be suffered again to be present at the debates. There was another female mentioned by Burke, of whom the hon. and learned member reminded him. Mr. Burke said, that persons who could imitate the contortions of the Pythian goddess thought they had caught her inspiration. The hon. and learned gentleman thought the whole essence of Toryism might be condensed into one short word, and that short word was East Retford. He wished his hon. friend, the member for Hertford, were present; for he could tell the hon. and learned member, that he proposed extending the franchise of East Retford to Bassetlaw, and it was rather singular that the hon. and learned member should have selected the act of a good old Whig to designate the party of the Tories. He hoped he had not said one word to add to the excitement which existed on the subject to which the resolution referred, which it was his wish to calm. He understood that his Majesty's government were to retain office; that they still enjoyed the confidence of the sovereign, and still hoped to carry the bill. There was one thing he thought certain—that they were the truest friends to their country who proclaimed, not that a majority had a fixed determination to support the bill, but a determination to support the law; and that all language which tended to influence the passions of the people—all measures which tended to excite their hopes, would only end in greater disappointment to all. They ought not to refer to the possibility—they ought not to teach the people that it was easy to refuse.

the payment of taxes—they ought not to exaggerate the amount of persons assembled at public meetings, and encourage the people to form others. It was easy enough to say that 150,000 men assembled here and 40,000 men there, but before such assertions were made, individuals ought to be correct as to the facts, for such statements led men to meet in other places; and such meetings could not take place, though for a legal object, without exciting apprehensions in the well-disposed, and without exposing the public peace to danger. Great masses of men could not meet without exciting apprehension. He wished that hon. members would warn the people of the consequences of disobeying the law, particularly of refusing to pay the taxes. The whole community was deeply interested in preserving obedience to the law. It was not for the advantage of the few, but for the benefit of them all; and those mad proceedings now talked of would paralyse industry, suspend commerce, and inflict the most grievous injury on the lowest classes. Again he would say, that the people should be informed that the privileges of the peers, which were now so lightly brought into discussion, were not conferred on the peers for the gratification of their personal vanity—they were not so much personal privileges, as privileges conferred for the benefit of the whole community, and which had, on several occasions, been useful to the people themselves. The independence of the peers was a guarantee and security to the liberties of the people, and tranquillity would be best preserved by respecting their rights. He did not like to trust himself on this subject of the popular excitement; but when he considered the influence of the government, he was persuaded that if the same means were employed to excite an opinion against the peerage which had been employed on the subject of reform, it would not be difficult to produce a very strong dislike to it. In conclusion, the right hon. gentleman declared, that all who had voted for the reform bill would probably vote for the resolution, while all who had opposed the bill were bound in consistency to vote against the resolution.

On a division, the numbers were;—Ayes 329; Noes, 198; majority, 131.

ADDRESS IN ANSWER TO THE KING'S SPEECH.

DECEMBER 6, 1831.

At about half-past two o'clock the House was summoned to attend the House of Lords for the purpose of hearing his Majesty's speech on the opening of the present Session. The Speaker, accompanied by about 100 members, proceeded to the House of Peers, when his Majesty, being seated on the Throne, delivered the following speech:—

“My Lords, and Gentlemen,—I have called you together, that you may resume, without further delay, the important duties to which the circumstances of the times require your immediate attention; and I sincerely regret the inconvenience which I am well aware you must experience, from so early a renewal of your labours, after the short interval allowed you for repose from the fatigues of the last Session.

“I feel it to be my duty, in the first place, to recommend to your most careful consideration the measures which will be proposed to you for a Reform in the Commons House of Parliament; a speedy and satisfactory settlement of this question becomes daily of more pressing importance to the security of the State, and to the contentment and welfare of my people.

“I deeply lament the distress which still prevails in many parts of my dominions; and for which the preservation of peace, both at home and abroad, will, under the blessing of Divine Providence, afford the best and most effectual remedy. I feel assured of your disposition to adopt any practicable measures, which you will always find me ready and anxious to assist, both for removing the causes and mitigating the effects of the want of employment, which the embarrassments of commerce, and the consequent interruption of the pursuits of industry, have occasioned.

“It is with great regret that I have observed the existence of a disease at Sunderland, similar in its appearance and character to that which has existed in many parts of Europe. Whether it is indigenous, or has been imported from abroad, is a question involved in much uncertainty; but its progress has neither been so exten-

sive nor so fatal as on the Continent. It is not, however, the less necessary to use every precaution against the further extension of this malady; and the measures recommended by those who have had the best opportunities of observing it, as most effectual for this purpose, have been adopted.

"In parts of Ireland a systematic opposition has been made to the payment of tithes, attended in some instances with afflicting results; and it will be one of your first duties to enquire whether it may not be possible to effect improvements in the laws respecting this subject, which may afford the necessary protection to the Established Church, and at the same time remove the present causes of complaint.

"But in this and in every other question affecting Ireland, it is, above all things, necessary to look to the best means of securing internal peace and order, which alone seem wanting to raise a country, blessed by Providence with so many natural advantages, to a state of the greatest prosperity.

"The conduct of the Portuguese government, and the repeated injuries to which my subjects have been exposed, have prevented a renewal of my diplomatic relations with that kingdom. The state of a country, so long united with this, by the ties of the most intimate alliance, must necessarily be to me an object of the deepest interest. The return to Europe of the elder branch of the illustrious house of Braganza, and the dangers of a disputed succession, will require my most vigilant attention to events, by which not only the safety of Portugal, but the general interests of Europe may be affected.

"The arrangement which I announced to you at the close of the last Session, for the separation of the States of Holland and Belgium, has been followed by a treaty between the five powers and the king of the Belgians, which I have directed to be laid before you as soon as the ratifications shall have been exchanged.

"A similar treaty has not yet been agreed to by the king of the Netherlands; but I trust the period is not distant when that Sovereign will see the necessity of acceding to an arrangement in which the plenipotentiaries of the five powers have unanimously concurred, and which has been framed with the most careful and impartial attention to all the interests concerned.

"I have the satisfaction to inform you, that I have concluded with the king of the French a Convention, which I have directed to be laid before you, the object of which is, the effectual suppression of the African Slave Trade. This Convention, having for its basis the concession of reciprocal rights, to be mutually exercised in specified latitudes and places, will, I trust, enable the naval forces of the two countries, by their combined efforts, to accomplish an object which is felt by both to be so important to the interests of humanity.

"Regarding the state of Europe generally, the friendly assurances which I receive from foreign powers, and the union which subsists between me and my Allies, inspire me with a confident hope that peace will not be interrupted.

"Gentlemen of the House of Commons,—I have directed the estimates for the ensuing year to be prepared, and they will in due time be laid before you. I will take care that they shall be formed with the strictest regard to economy; and I trust to your wisdom and patriotism to make such provision as may be required for the public service.

"My Lords and Gentlemen,—The scenes of violence and outrage which have occurred in the city of Bristol, and in some other places, have caused me the deepest affliction.

"The authority of the laws must be vindicated by the punishment of offences which have produced so extensive a destruction of property, and so melancholy a loss of life; but I think it right to direct your attention to the best means of improving the Municipal Police of the kingdom, for the more effectual protection of the public peace against the occurrence of similar commotions.

"Sincerely attached to our free Constitution, I never can sanction any interference with the legitimate exercise of those rights which secure to my people the privileges of discussing and making known their grievances; but, in respecting these rights, it is also my duty to prevent combinations, under whatever pretext, which in their form and character are incompatible with all regular government, and are equally opposed to the spirit and to the provisions of the law; and I know that I shall not appeal in vain to my faithful subjects to second my determined resolution to repress all illegals.

proceedings by which the peace and security of my dominions may be endangered."

On their return, the Speaker read to the House a copy of the King's Speech.

Lord Cavendish then moved, "That an humble address be presented to his Majesty, in answer to his Majesty's most gracious speech." The noble lord then read the address, which was seconded by Sir Francis Vincent.

In the debate which followed,—

SIR ROBERT PEEL said, that during the time he was a minister of the Crown, as well as now in his private capacity, it was always his wish to see the speech from the Throne, and the address in answer to it, so framed as not to give rise to any collision which could prevent the House from coming to a unanimous vote. He thought it desirable that parliament should be enabled to offer to the Sovereign, without a dissentient voice, the testimony of their loyalty and attachment on the opening of the Session. It had always, for this reason, appeared to him, that the address ought to contain no matter which could give rise to difference of opinion. It gave him pleasure, therefore, that upon the present occasion he was enabled to express so much of acquiescence as would render unnecessary any amendment, except one to which he anticipated no objection on any side of the House. Before he proceeded to notice the topics introduced into the address now proposed for the consideration of the House, he must be permitted to allude to the circumstances under which they were assembled. He was perfectly ready to admit, that all considerations of private convenience ought to yield to public duty; but he must take this opportunity of entering his protest against the practice of calling parliament together without the usual notice. He feared the present meeting of the House might be drawn into a precedent, and he considered a practice founded on that precedent would be bad and dangerous. He was aware, indeed, that by law they might be called together within fourteen days: but antecedently to the passing of that law, the practice was, to give a notice of forty days; and so necessary was this considered, that Hatsell said, parliament ought not to be summoned to meet on a shorter notice than forty days. So important did that great authority deem it, that an ample notice should be given, and so great was, in his opinion, the danger of taking the House by surprise, that he said the ministers who advised the calling of parliament together on a shorter notice would be guilty of a grievous misdemeanour, and deserve the censure of parliament. By the Act of 1797, the old law was altered, and the government was enabled to call parliament together after fourteen days' notice. Yet, though such was the law, the conviction of the necessity of adhering to the ancient usage was so strong, that in the thirty years which had elapsed since its enactment, there was but one occasion on which parliament had been assembled at a shorter notice than that sanctioned by established custom. On that occasion (being 1801), the notice was twenty-three days. He admitted, that when Mr. Pitt and Lord Grenville introduced the Act of 1797, they alleged that the greater facilities of intercourse, and also of communication by the post, justified them in abridging the time of notice; but it ought not to be forgotten, that since that time the Union with Ireland had taken place, the parliaments of the two kingdoms had been incorporated into one, and therefore a new and important reason had arisen for ample notice. Ministers, be it recollected, were always on the spot; they could tell their friends when parliament would meet, and therefore, if the precedent now established were followed, it might, in the hands of a bad minister, lead to gross abuse. If it had been necessary to take immediate precautions against the cholera, or to devise measures to put down the political unions, or to frame new provisions to suppress disturbances like those which had recently occurred at Bristol, then there would have been some show of reason for assembling parliament without delay. But the speech from the throne said nothing of the necessity of immediate precautionary measures. Reform, however, was said to be of urgent necessity: admitted; but then that necessity was as well known to the government on the 1st of November as it was fourteen days ago. At the close of the last session they were prorogued in the usual way till the 22nd of November. Members left town, not so much to attend to their private affairs in the country, as to obey the injunctions contained in his Majesty's speech, to assist in securing the tranquillity of their respective counties. Up to a period immediately prior to the

22nd of November, it was the general impression throughout the country, that parliament would not meet for the despatch of business before Christmas. For reasons, into the propriety of which he would not enter, an alteration in the intention of government took place. Supposing the necessity for reform were so great as was now alleged, that necessity existed before the 22nd of November, and consequently, members were entitled to a longer notice of the intended meeting of parliament than that which they had recently received. Before he entered into any examination of the topics contained in the speech, which had been so praised for its straightforward and manly character, he must say, that there were some extraordinary omissions in it. That they should meet with two such questions pending as the renewal of the Bank Charter, and of the East-India Company's Charter, and that not one word should be said on either of them in the King's Speech, did appear to him to be most extraordinary and incomprehensible. That his Majesty's Speech should invite discussion on the question, whether the cholera was indigenous, or imported from abroad, a question on which medical men would be the only good debaters, and that they should leave the heavier matters of the Bank and East-India Company's Charter totally unnoticed, was one of the most singular omissions that could well be imagined in a straightforward and manly speech. Moreover, the subjects noticed in the address did not compensate for these omissions; for, without questioning the policy of the views which the right hon. Secretary for Ireland had disclosed respecting that country, he doubted the policy of introducing the tithe question in the King's Speech. If the House were to be so occupied with the discussion of the question of reform that it could not agitate the questions relative to the renewal of the Charters of the Bank and of the East-India Company, why should the King's Speech notice thus prominently the tithe question? The right hon. secretary had told the House, that a committee was to be appointed, to consider whether some improvements could not be made in the laws respecting the payment of tithes in Ireland. He would say, that the appointment of such committee was in itself a very questionable proceeding. If there was in Ireland a systematic combination among the people against the payment of tithes, to hold out, in the King's Speech, the expectation of some change in the laws relating to the recovery of tithe, would only aggravate the existing evils, unless the government at once proposed a specific remedial measure. He was afraid that the right hon. gentleman might find more difficulty in adjusting this question than he anticipated at present. The grand-jury question, and others affecting Ireland, had been before alluded to in a similar way, and little progress afterwards made towards a permanent settlement of them, from the unexpected difficulties that appeared in their progress. He had heard with regret one expression which had fallen from the lips of the right hon. secretary. There might be grounds of policy and expediency, but he was sure, that there were no grounds of justice and legality, on which an alteration of the tithe-system could be demanded. He therefore trusted, that that expression had fallen inadvertently from the right hon. secretary; for if it should get abroad, that the right hon. secretary thought the claims of the people of Ireland to some alteration in the tithe-system legal and just, the admission would give additional force to the system of combination mentioned in the King's Speech. He hoped that the measure of improvement, now in the contemplation of government, would be produced forthwith, and that as little time as possible would be lost in placing it before a committee; for otherwise the rights of property would be endangered by the discussions and delusions which delay would produce. He would now proceed to consider the foreign policy of the country. His Majesty was made, in the speech, to lament, that he had not been able to establish, or rather to renew, the diplomatic relations of this country with Portugal, and two causes were assigned for the non-renewal of them:—First, the repeated injuries to which the subjects of this country had been exposed by the conduct of the Portuguese government; and secondly, the chances of a civil war on account of a disputed succession. He would ask any gentleman who then heard him—he would ask his Majesty's ministers themselves—whether there was not the greatest inconvenience in having a country like Portugal excommunicated from the European system? Did the people of Portugal recognise Don Miguel? And if they did, what right had this, or any other country, to gainsay that recognition? When Don Miguel first assumed, or was called to the exercise

of government, it might have been just and necessary to abstain from the immediate recognition of his authority, but such a course of proceeding could not be indefinitely protracted without inconvenience to ourselves, and danger to the general peace of Europe. Whatever might be the private character of Don Miguel, that was a question with which the British government had nothing whatever to do. If fit for consideration at all, it was fit only for the consideration of the Portuguese nation; and he was entirely at a loss to understand upon what principles, but especially how upon Whig principles, his Majesty's ministers could longer withhold the recognition of a prince to whose rule there was no objection made on the part of his own people. But whether the authority of Don Miguel was acknowledged by this country or not, on one thing the noble lord might depend, which was, that while the present state of uncertainty and interrupted relations between the two countries continued to exist—while this country claimed the fulfilment of treaties, refusing at the same time to allow the validity of the authority which was to put those treaties into execution, it placed its own subjects in danger, and embarrassed its own commerce. It had a more than ordinary effect at the present time. Did the noble lord consider the consequence of such conduct? Did it not encourage the contest that was threatened for the throne of Portugal? That was the natural result of still withholding the recognition of Don Miguel. There might have been injuries inflicted on British subjects in Portugal; what those injuries were, whether they were old or new, the speech did not state, and he did not stop to enquire; but he contended that the conduct of the government in refusing to acknowledge Don Miguel after the lapse of so long a period since his accession, had a tendency to produce the very evils, the existence of which the King's Speech admitted and lamented—namely, embarrassment to our own commerce with Portugal, and the risk of a disputed succession. If a contest for the throne of Portugal were to take place, if civil war were to rage in that country, he most earnestly hoped that this country would sincerely act up to those principles of perfect neutrality which it had avowed; that it would not only profess, but that it would act in the spirit of its professions. Now, a few words with regard to Holland. His Majesty had expressed his hopes, that the king of Holland would accede to the arrangement for the separation of the States of Holland and Belgium, to which the king of Belgium had already assented. He sincerely hoped, that these expectations of his Majesty would not be disappointed. He likewise sincerely hoped, that that arrangement steered clear of all interference in the internal affairs of Holland; but, until some account of the transactions connected with that arrangement was communicated to the House, it would be premature in him to give any opinion on a subject of such peculiar delicacy. He was now arrived at that part of the Address to which he intended to propose an amendment. By some strange inadvertence, the Address, as at present worded, pledged them to a distinct approbation of the arrangement which the five Powers had made for the separation of Holland and Belgium. As the Address was proposed, it was couched in this form, "To express our hope, though a similar treaty has not yet been agreed to by the king of the Netherlands, that the period is not distant when that sovereign will see the necessity of acceding to an arrangement in which the plenipotentiaries of the five Powers have unanimously concurred, and which has been framed with the most careful and impartial attention to all the interests concerned." Now he, for one, must refuse to accede to this approbation of an arrangement of which he knew nothing, which had not yet been ratified, and which was not to be communicated to parliament till the ratification had taken place. It was quite clear, that there must be some alteration in this part of the Address. As he was sure that these expressions must have got into the Address by inadvertence, he would take no advantage of it by himself moving an amendment, but would leave it to the noble lord to correct the error, either by omitting the paragraph altogether, or by altering the phraseology of it, so as to avoid this direct approbation of a treaty, of which the House knew nothing. There were many topics connected with the domestic policy of the country which, though slightly mentioned in the Speech, were still of great importance. From the terms of the Speech, no indication of the intentions of government regarding them could be discovered. Mere truisms were stated; but, for that generality of language, he did not find fault with the government. Reference was made to the best means of improving the municipal police of the king-

dom, but it was impossible to say what was the nature and character of the improvements contemplated. The subject was a most important one; in fact, there was none more so, and it was well worthy the attention of the legislature; but it was impossible, from the King's Speech, to know any thing of the character of the alterations to be suggested by government. Of this conduct he did not complain. It was perhaps convenient, that the views of government should not be intimated till they could be fully detailed. The mere allusion to the subject, however, naturally occasioned various constructions as to the intentions of ministers. It was supposed by some that they contemplated the total supersession of corporate authority. He must presume that this construction was totally erroneous; at the same time, he certainly thought some material alteration in the municipal police absolutely necessary. In the large towns he could see no security for property and the maintenance of order unless some change was effected. He apprehended the passage hinted at an extension of the principle upon which the metropolitan police was formed; and, if it did so, it certainly would have his cordial approval. Unless a stipendiary police was established in the large towns, there could be no security for good order. Under what authority that police should be placed, he was not prepared to say. In London the matter was easily settled. It was wisely placed under the authority of the executive power, who kept it free from all party and electioneering influence, which, if not effectually excluded, would make the police, not a blessing, but a curse. With respect to Unions, he entirely concurred with that part of the Address which went to assure his Majesty, that that House would give its best aid and assistance to enable his Majesty to uphold the laws, and to maintain tranquillity and good order. The law must be enforced; life and property must be protected; and when the law was found to be inefficient for its objects, he was quite confident that his Majesty might with safety rely on receiving the most prompt and zealous assistance at the hands of that House. With respect to the improvement of the municipal police, however, he must remark, that there was already an Act in existence which bore upon that subject. That Act was passed in 1830, and it enabled every parish, upon the consent of a certain portion of the parishioners being obtained, to establish a stipendiary police, and to raise a rate for its support, and for the lighting of the parish. That Act was not generally known; but, in the parishes with which he had any connection, and from which he had received applications on the subject, he had recommended that it should be put in practice. The allusion, however, made in the King's Speech to the subject would naturally paralyse that recommendation; for every one would be desirous to know what were the plans of government, and what alterations they might expect before they attempted to proceed upon the Act to which he had referred. He had reserved for the last, the first and the most important subject noticed in the Speech and in the Address—it was that of Reform. The Address pledged the House to a most careful consideration of the measures which the Speech informed them would be laid before the House for a reform in the Commons' House of parliament; and it concurred in the declaration of the Speech, that a speedy and satisfactory settlement of that question became daily of more serious importance to the security of the state, and to the contentment and welfare of the people. As he had the assurance of the right hon. gentleman, the Secretary for Ireland, that by this language the House was not to be considered as pledged to any particular measure, or to any particular principles of reform, he did not feel inclined to remark upon the passage with any thing like hypercriticism. Every one must desire, who wished well to his country, to come to a speedy and satisfactory settlement of that important question; but various indeed would be the opinions as to the nature and extent of that reform which would entitle it to the appellation of satisfactory. No outline of the measure had been stated to the House, and he had no means of knowing whether it was to resemble closely the bill of last session, or whether it was to vary materially from that bill in principle or in detail. Nor did he stop to enquire into the subject, for in a few days, they had reason to expect, the measure would be formally and regularly submitted to their consideration; but he must, at the same time, be permitted to say, that, although he most fervently desired a speedy and satisfactory settlement of the question, he very much feared that the government had agitated feelings, and excited desires and expectations, which utterly precluded the expectation of their arriving at any such

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result. If he felt otherwise—if he believed that the passing of such a bill as that of last session would soothe the minds which had been agitated, and would lead the people back to their habitual obedience to the laws, and respect and regard for the institutions which would remain to them, many of his objections would be removed. But it was his conscientious belief, that the principles of the bill itself involved insuperable impediments to the speedy and satisfactory settlement of the question of reform. He believed, that the impulse which had been given to violence and discontent could not be easily allayed, and it was from that feeling, and from observing the principles upon which the government had rested the defence of their proceedings, that he found it impossible to anticipate a speedy and satisfactory settlement of this most important question. He was at issue with the government as to the causes and nature of the excitement existing. The advocates of reform, of course, said, that he, and those who acted with him in opposition to the late bill, had, by their conduct, given rise to the scenes of outrage and of violence which had taken place; while he contended, that those proceedings, disgraceful and dangerous as they were, were the almost necessary consequence of the principles which the government had called into action for its support. The foundations of the ancient institutions of the country could not be shaken without producing the greatest derangement in the whole body politic, and this derangement, he feared, would survive the measure which brought it into existence. Let the House look to the King's Speech, and learn the present state of the country from that authentic document. Commerce embarrassed, confidence suspended, industry paralysed, formidable combinations inconsistent with the spirit of the law—fearful outrage and disorder, by which whole cities have been involved in confusion. Are these the first fruits of reform? Is this the consequence of holding up to contempt the ancient representative system of the country? Did he find any thing in the Speech about the reduction of taxation? Or was it stated in the Speech, that the estimates would be reduced? No such thing. He did not blame the ministers for this. For he believed, that the estimates were framed with a view to economy; but he did blame those who misled the public, by inducing it to suppose that the passing of such a Reform Bill as that of last session would relieve the country, restore tranquillity and contentment, increase commerce and employment, and give security to liberty and property. He had no hope of true economy from reform—from such reform as that which had been proposed by the government, and which would unsettle all the habits of obedience, and shake the constitution to its very foundation. He had heard the sarcastic remarks of an hon. gentleman opposite, respecting Tory governments and Tory measures. The hon. gentleman called upon him, and those who agreed with him in opinion, to attend at the public meetings, and to discuss the question of reform with the multitudes assembled at those meetings—to attend, for instance, where there was an assembly of 150,000 men, such an assembly as had received the thanks of the noble lords, and there to express their opinions if they dared. The sarcasm fell harmless upon them—it was against the bill that it was levelled. It reminded them of the melancholy fact, that there never had been a period, during the whole of the past century, in which such effectual practical restrictions were imposed upon the freedom of speech, in which public discussion was so fettered as it was in these days of liberality and reform. There were worse tyrannies than the tyrannies of individual despots. He had said the worst feelings had been excited for the support of this measure of reform; and could the government deny the existence of such feelings? Who could doubt their galling and oppressive character, who had seen the bitter and unrelenting animosity with which the populace had pursued many of those illustrious characters who acted the part of good subjects and honest men in the House of Lords, without the least suspicion of unworthy motives? And yet could it be denied, that it was not safe for them to travel home to their country seats, after the conscientious votes which they had given in defence of the true interests of the people of England? When the new measure of reform should come under discussion, he, for one, promised to give to it the most calm and dispassionate attention. He wished that he could anticipate from its success the same tranquillizing and satisfactory results as had been anticipated by the king's government. He wished, that he could believe that the spirit of impatience under all restraint, and the reluctance to submit to any control, which

at present pervaded and convulsed the land, was attributable to such causes as the opposition which had been given to the progress of the late bill; and that the triumph, if triumph should betide, over future opposition, would bring back the halcyon days of peace and contentment, and restore that spirit of obedience to the laws which had existed under the reviled government of Tories. He had attended to the progress of great revolutions in other countries, and was not insensible to their symptoms in our own. For a time the disastrous scenes of confusion and bloodshed which were displayed in France to an appalled and astonished world, and the establishment of a Reign of Terror surpassing in atrocity any thing heretofore known in history, exerted possibly an undue influence upon the public mind here, and indisposed us to the consideration even of beneficial changes. But let us beware how we erred in the opposite extreme, and rejected the salutary lessons which we might learn from the earlier scenes of the revolution in France. Long before the bloody days of Marat and of Danton, there were pages in the history of that revolution which were but too faithful types of the events of present times. Therein we might read of ministers, once popular, unable to stem the tide on which they had floated to power, denouncing the clubs that were formed for their support, but which usurped their authority. "Death to the proposer of an agrarian law," was the language of the constituent assembly. He had read also in the same melancholy collection of crimes and horrors, that when the King of France accepted the constitution of 1791, he began his speech with the terms, "*La révolution est finie*," little dreaming, in the exultation of the moment, that the revolution was only then begun. The blame of opposing its progress was then thrown on priests and aristocrats. The cry in France then was, "Down with the Priests, down with the Aristocrats;" the cry in England now was, "Down with the Boroughmongers," "Down with those, be their motives what they may, who oppose the popular will." What system of government could that be in which men denied to their opponents the free exercise of judgment and of speech? Who could hope to propose changes extensive as those of the Reform Bill, without expecting, if they were reasonable men, to encounter opposition? They might denounce that opposition—might visit it with confiscation, exile, and death; but so long as honour and courage existed among men (and in English bosoms he trusted these qualities would find an eternal spring)—they would not, they could not, deter men from the expression of their honest opinions. It was with a spirit of calmness and impartiality that he was prepared to discuss the bill which the noble lord opposite was about to introduce. He trusted that it would be founded on more moderate principles than the last; but be it founded on what principles it might, he owed it as a duty to the people of England—he claimed it as a right inherent in himself, as one of their representatives—to deliver his opinions honestly and boldly upon it; and as the King, in the gracious Speech which they had that day heard delivered from the throne, admitted the right of his subjects, even in confederated unions, publicly to declare their opinions, and to make known their grievances, so did he, as a loyal subject of the King, expect protection in return for his allegiance, if he should incur odium and unpopularity by protecting that which, in his judgment, he believed to be the real interest of the people of England, against their present wishes and temporary delusion.

The address, with the amendment suggested by Sir Robert Peel, was then agreed to.

REPORT ON THE ADDRESS.

DECEMBER 7, 1831.

Lord Cavendish brought up the report on the Address in answer to his Majesty's Speech.

After some remarks by Viscount Palmerston, Mr. Hunt, and Sir Francis Burdett,—

SIR ROBERT PEEL said, he had listened with great surprise to the very extraordinary speech which the hon. baronet, the member for Westminster (Sir F. Burdett), had just made. As the hon. baronet had been in his place last night, he had then an opportunity of replying to the speech he had now replied to, and it would

have been better if the hon. baronet had taken that opportunity of making the animadversions which he had reserved till the present occasion. Notwithstanding the hon. baronet's censures, he would repeat that which he had yesterday said—for it was a remark in which the noble lord (Lord Althorp) opposite had concurred—that parliament ought to have had a longer notice than fourteen days of the period on which it was to assemble. The noble lord had only vindicated the shortness of the notice on the ground of necessity; and so far was the noble lord from having stated that his objection was merely a cavil, as the hon. baronet had called it—

Sir Francis Burdett: I said no such thing. I said that nothing but the circumstances of the case justified the shortness of the notice.

Sir Robert Peel thought, that the hon. baronet had said, that his objection was only a cavil, and that nothing could justify it. The hon. baronet had now stated the reverse, and was prepared to condemn a meeting of parliament, without the usual notice, except under very special circumstances; but why, then, did the hon. baronet speak of fourteen days now being equal to twenty-three days in 1797? The increased rapidity of conveyance, if this argument was good for any thing, went to justify a short notice as a practice that might properly be observed, not only now, but at all future times, whatever might be the circumstances, if the minister of the day fancied he could gain any advantage by acting on the precedent. He had never blamed ministers for calling the parliament together at this season: all that he had said was, that reform being the only alleged cause for its meeting, ministers had an opportunity, more than fourteen days before, of giving notice that it was to meet now. He should not have objected to their meeting at present, after only fourteen days' notice, if any sudden disturbance had sprung up in the country; but his objection was, that the necessity of settling the question of reform was as obvious on the 1st as it was on the 22nd of November. He had said yesterday that he was afraid, that the Reform Bill was proposed and supported upon principles which precluded any thing like a final settlement of the question; and he was confirmed in that impression by the speech of the hon. baronet, who contended that the people had as much right to equal representation in that House as the king had to his crown, or as the peers had to their seats in the other House of Parliament. Now, if such were the case, he should like to know what right the hon. baronet had to draw the arbitrary distinction which he had drawn between such of the people of England as were £10 householders, and such as were not. If equal representation was the right of all—what could be said of this Reform bill—which divided the people into classes, and limited the right of being directly represented to the occupation of a £10 house? He denied the existence of the right, either on one side or the other of the line of demarcation. But how the hon. member for Westminster, who claimed the elective franchise as the prescriptive right of the people of England, could tell him, that this bill, which confined the elective franchise to £10 householders, would be a final settlement of the question, he could not for his life understand. He would beg leave to say one word about the Unions. The hon. baronet had complained of the tone in which he had spoken regarding them. Why, it was the very tone taken in that Speech from the throne, which the hon. baronet so much admired. What were the words used by his Majesty on the subject:—"Sincerely attached to our free constitution, I never can sanction any interference with the legitimate exercise of those rights which secure to my people the privileges of discussing and making known their grievances; but in respecting these rights, it is also my duty to prevent combinations, under whatever pretence, which in their form and character are incompatible with all regular government, and are equally opposed to the spirit and to the provisions of the law; and I know that I shall not appeal in vain to my faithful subjects, to second my determined resolution to repress all illegal proceedings, by which the peace and security of my dominions may be endangered." The hon. baronet had said, that he defied any person to prove, that the Unions were incompatible with regular government, and were opposed either to the spirit or the provisions of the law. He would only say, in reply to the hon. baronet, that the king, for whom the hon. baronet professed such sincere respect, asserted, that he knew of the existence of Unions confederating in England to oppose both the spirit and the provisions of the law. He did not mean to say, that the particular Political Union of which the hon. member for Westminster was a member, was opposed to the law, but he took it for granted

that the king would never have declared his determination to suppress certain combinations, unless such combinations existed, and unless their continued existence was fraught with danger. The attack on them did not originate with him—they were denounced, no doubt for some good reason, by his Majesty, in his speech to parliament. As he did not wish to revive the discussion, which ought to have closed last night, he would not enter further into these subjects at present. As he was, however, on his legs, he would state to the noble lord opposite (Palmerston), that there were two points connected with our foreign policy, on which he required some information. The first was, whether the government of the United States had acquiesced in the adjudication made by the king of the Netherlands, on the question submitted to his arbitration respecting the North-eastern boundary of the United States? If the negotiations on that subject were not yet concluded, he would not insist upon an answer. The second point, on which he was going to propound a question, was one on which he was surprised that no observation had been made in the king's speech. It related to the condition of Greece. He was surprised, that after the repeated mention which had been made of the condition of Greece, in the speeches from the throne, and after the singular events which had recently taken place there, no notice of Greece should be found in the speech. He asked, whether the circumstances of the country were such as would enable the noble lord to give him an answer upon these points?

Viscount Palmerston: As to the first question put to me by the right hon. baronet, I can only say, that the decision made by the king of the Netherlands is to be submitted to the Congress on the first Monday of next month; and that I cannot make any communication upon that subject until after that time. As to the question which he has put to me respecting Greece, the reason why no mention was made of that country in the speech is, that the matters connected with it, under the consideration of the conference, are not at present in such a state as would justify the government in giving any final answer on that point. My right hon. friend must know, that the most important matter is the selection of the sovereign for that country, which has not yet been made. I can assure my right hon. friend, that when the progress of our measures shall allow us to make a communication to parliament, we shall be most happy to make it, and to accompany it with the fullest disclosures.

The report on the address was then agreed to, and the address ordered to be presented to his Majesty.

PARLIAMENTARY REFORM.

DECEMBER 12, 1831.

On the introduction of the Parliamentary Reform Bill for England and Wales, Lord John Russell moved that that part of the King's Speech which related to Reform in Parliament should be read. It was read, accordingly, as follows:—"I feel it to be my duty, in the first place, to recommend to your most careful consideration, the measures which will be proposed to you for a reform in the Commons House of Parliament. A speedy and satisfactory settlement of this question, becomes daily of more pressing importance to the security of the state, and to the contentment and welfare of my people."

He then alluded to that portion of the address in which the House—without coming to a division—had pledged itself to a careful consideration of the measure which should be proposed to it for a reform in the Commons House of Parliament, and concluded a long and elaborate speech by moving for leave to bring in, "A bill to amend the representation of the people in England and Wales."

SIR ROBERT PEELE rose for the purpose of requesting that the noble lord (Althorp) would be pleased to state, what course he proposed to adopt with respect to the progress of the bill through the House.

Lord Althorp said, that if the House should agree to allow the bill to be introduced and read a first time on this evening, he should propose to carry it no further than the second reading before the Christmas recess. After the bill should have been read a second time, he would move the adjournment of the House till after the holidays. As to the day to be fixed for the second reading, he thought, that as the

bill would be prepared and ready for delivery to members early on Wednesday, it would not be too soon to fix the second reading for Friday. There would, he thought, be the less objection to this course, as the bill had been so fully discussed in the last session, and no alteration was now proposed in the principle. He should hope, that if it were not intended to take the sense of the House in the present stage of the bill, the discussion might be reserved for the second reading.

Sir Robert Peel said, that speaking for himself only, without saying whether Friday would or would not be a convenient day, he was not disposed to take any division on the motion for leave to bring in the bill; and was willing to let the discussion be taken on the second reading. If the House took the same view of the subject, and he believed it was disposed to allow the bill to be brought in, any discussion at present would only anticipate that which must take place in the next stage, and would be at once unprofitable and inconvenient. On that occasion they would have to discuss those great questions which the noble lord had omitted to notice, namely, the necessity of making this extensive change; whether that necessity, if it existed, arose from the nature of things, or from the conduct of his Majesty's ministers; whether the real motive for the reform bill was the practical permanent good it was to effect, or the temporary advantage of yielding to a clamour for reform, which had been mainly encouraged by the ministers themselves. These were questions which must be discussed on the second reading; but without entering into any of them on the present occasion, there was one feeling, which it was vain to suppress—one in which there must be general and unanimous concurrence on all sides—that of rejoicing at the great escape they had had from the bill of last session; a feeling of the deepest and sincerest gratitude to those to whom they were indebted for rescue from a danger which he had never fully appreciated till he heard the speech which the noble lord (Lord John Russell) had just delivered. He would not say by what mode the House ought to express its thanks for that escape, and for the opportunity once more afforded to it of again deliberating on the important change proposed in the constitution of the country; but this he did know, that the speech of the noble lord, and the new bill, now moved and about to be introduced, were a full and complete answer to the calumnies of the last session, against the factious delays, as they were then called, of those who sought to introduce those very modifications which were now relied on as the great improvements of the bill. The advantage of those much maligned delays and objections was now visible. He saw it in many places; for, on hearing the outline of the new bill, he found that there was scarcely an amendment which had been offered from that (the Opposition) side of the House, which had not been adopted. (The principle of population was abandoned—the census of the present year was preferred to the census of 1821—the rights of freemen by birth or servitude were preserved—schedule A was re-modelled—schedule B was totally changed, and many other modifications, which the opposition had struggled in vain to introduce last session, were now voluntarily admitted by the noble lord as so many improvements in his plan of reform. Even the commissioners, whom the ministers had so strenuously preserved last session, were now to be given up. He would not go into the other changes which the noble lord had mentioned: he would not stop to enquire why, when five boroughs were taken out of schedule A, as many more should be added, so as to make it contain the exact arbitrary number of fifty-six, as it stood in the last bill, when clearly fifty-one was the proper number, according to the shewing of the noble lord himself. He would not examine why the number of boroughs having but one member each should be reduced from sixty-nine to forty-nine; nor would he enter into any enquiry as to the cause of the change in the right of voting in cities and counties; but leaving all these as matters for future discussion, he must congratulate himself and his right hon. friends on the opposition they made to the last bill, of the beneficial effects of which they had now such unquestionable proofs. He admired the candour and justice of the noble lord, in commenting so severely on the blunders and defects of the late bill; but he owned he was not prepared for such a sacrifice to the *manes* of the late parliament as the adoption of the resolutions of General Gascoyne.

An Hon. Member on the ministerial side here intimated, that that resolution was not adopted in the new bill.

Sir Robert Peel had no desire to misrepresent what fell from the noble lord, but

he had distinctly understood him to say, that the present number of members in the House, 658, would be preserved. If he had misunderstood the noble lord, he would of course set him right.

Lord John Russell said, that he had stated his intention to preserve 500 members for England and Wales; to have 105 for Ireland, and 53 for Scotland.

Sir Robert Peel: Which numbers, as he calculated them, would exactly make up the present number of the House. Now, what were the words of General Gascoyne's resolution but these? "That it is the opinion of this House, that the total number of knights, citizens, and burgesses, returned to Parliament for that part of the United Kingdom called England and Wales, ought not to be diminished." He had understood the noble lord to say, that he intended to preserve the present numbers; and what, he would ask, was that but the adoption of the resolution of General Gascoyne? As to the proportion of members to be given to Ireland and Scotland, he would only observe at present, that they should be able to form a more correct judgment of the bill for England and Wales, if, before they proceeded to its consideration, they were informed of what was intended to be done with respect to the Scotch and Irish bills. The noble lord had told them, that he still adhered to the £10 clause. He cared little for the name: the name might be preserved, and yet the character and nature of the qualification professing to pass under that name might be totally changed. The circumstances under which the occupier of a £10 house would be entitled to vote, were the only questions worth considering. He had not risen for the purpose of entering into an examination, or of seeking for any present explanation from the noble lord, as to any part of the bill. He rose chiefly to vindicate himself and his hon. friends for the course they took last session, in opposing the bill then before parliament. After all that had been said, in the House and out of the House, as to the nature and alleged object of that opposition, what was at length the result? Why, that it was now declared to be the deliberate conviction of the king's government, that the objections the opposition then took were well founded. On this important question of the formation of a new constitution for the country, they now saw that the objections then urged were not without their important use, and that the delay of a few months could not now be considered what it had then been so constantly held up to be, as time thrown away. In a measure of this magnitude, an attention to the most minute details was of the utmost importance; and the alterations in the new bill proved, that when they came to discuss matters of such extreme interest, involving the organization of a new frame of government, they were bound to proceed most warily and discreetly, and not to grudge the delay of a few months employed in preparing the materials out of which a new constitution was to be moulded. Why the opportunity was not taken last session to effect the alterations which were now proposed, it was not for him to say; but that such an opportunity then presented itself could be no more denied than that such an opportunity at present existed. Whatever might be his objections to the bill which was now about to be introduced, he rejoiced, for the sake of the character of those on that side of the House with whom he had the honour to act, that such a triumphant refutation had been brought forward of charges which had been made against them. He rejoiced at the delay which had taken place, not only on account of the amendments which had been made in the details of the bill, but because—if the House should determine, on the second reading of the bill, to adopt the principle of the measure, and to make so extraordinary and extensive a change in the frame and constitution of the government of this country, they would be enabled to follow the example of the king's government, and make still further improvements in the details of the bill. Another, and, as it appeared to him, a great advantage arising from that delay was, that they would now have an opportunity of discussing this important question in a state of greater calmness, influenced by less excited feelings, and altogether under circumstances better calculated to enable the House to arrive at a wise and dispassionate conclusion. It could not, certainly, be denied that this was a subject which, above all others, was deserving of a calm, and deliberate, and cool consideration. If it were true that upon subjects of comparative indifference—upon matters infinitely less extensive in their bearings upon the interests and welfare of the country at large, discussion was to be deprecated at a time when public excitement and agitation prevailed with regard to them—if it

were fit, according to the just doctrines of the Lord Chancellor, that even in regulating the practice of anatomy—even in taking precautions against the continued commission of foul and systematic murder, discussion should be postponed until the first burst of indignation and alarm had subsided—surely it was at least equally fit, that when that living and nobler subject, the constitution, was to be submitted to the amputation and dissection of, he must say, not very experienced practitioners, the most delicate operations should not be performed while their passions were heated, and their judgment disturbed by external clamour, and while their hands were yet trembling with the fever of an unusual and unnatural excitement. Greatly, therefore, did he rejoice at what had occurred at the close of last session, and highly gratified was he that they should be enabled to benefit by the suggestions which had been then made; and that, in consequence of the delay which had taken place with respect to this measure, they could now, on both sides of the House, approach the consideration of the subject with that calmness, good temper, and moderation, which the subject demanded and deserved. The noble lord who introduced the motion to the House, said, that an absolute necessity existed for the speedy and satisfactory settlement of this question. The noble lord said, that extravagant hopes had been excited—that undue apprehensions had been encouraged—and that there was no safe alternative but to turn the expectations of the people into realities. That statement of the noble lord was a decisive proof how cautious a responsible government ought to be, not to encourage expectations which it might find impossible to satisfy, and not to take a course that necessarily led to agitation and excitement which it might find it difficult to allay. The assertion of the noble lord reminded him of what he had heard from the noble lord opposite (the Chancellor of the Exchequer), towards the conclusion of the last session. That noble lord then told them, that when his Majesty's ministers first proposed the measure of reform, they did not expect that it would be carried by the House of Commons. It was a remarkable circumstance, indeed, that when such a question was to be brought forward, his Majesty's government should not attempt the settlement of it by means of the free and unbiassed judgment of both Houses of parliament, but that they should, in the first instance, introduce a measure which they expected would be rejected by the House of Commons. ["No, no," from Lord Althorp.] He might have mistaken what had fallen from the noble lord on the occasion to which he alluded; but on one of the last days of the session he did understand the noble lord to say, that when the measure of reform was first brought forward, so little did the government reckon upon the success of their measure, that they expected their bill would be at once rejected. He for one deeply regretted, however opposed he was to hon. gentlemen on the other side as to the extent and necessity of reform, that the same moderation and temper which distinguished the speech of the noble lord that night, had not prevailed in the councils of the king's government when this question had been first introduced. Whether they were to expect from the tone of the noble lord to-night, that considerable modifications would yet be allowed in the bill, he did not know; but of this he felt convinced, that he should best perform his duty to the people of this country by viewing such a measure as this, not in its present operation, but in its ultimate and permanent effects; and, if he thought it would be ultimately and permanently prejudicial to the welfare of the country, by giving to the principle of this bill a steady, and firm, though, as he was unwilling to prolong agitation, a reluctant opposition.

Later in the evening,—

Sir Robert Peel asked, whether, if the debate upon the second reading of the bill were not concluded on Friday night, it was the intention of ministers to sit on Saturday? If that were the case, and the discussion were protracted, the Sabbath might be broken in upon. He begged, therefore, to remind them of the great inconvenience of sitting on that day, and trusted they would accordingly postpone the discussion until Monday.

Lord Althorp admitted the inconvenience, but, if the debate lasted more than one night, he should certainly propose to sit at an early hour on Saturday.

Sir Robert Peel again suggested that the second reading should be postponed till Monday.

In reply to Sir Charles Wetherell, who stated that the hon. member for Dorsetshire

(Mr. Portman) had drawn marvellously large conclusions from very contracted and confined premises; and promised the right hon. baronet his unflinching opposition to the bill,—

Sir Robert Peel said, he should be ashamed of himself if he could be supposed capable of seeking to induce hon. members to vote with him by any twisting or unworthy modification of his opinions; and he should also be ashamed of himself if it could be thought, that if other hon. members saw reasons to modify their opinions, he should therefore charge them with inconsistency. If his noble friend (Lord Clive) should differ from him with respect to the great measure shortly to be before them, he would give his noble friend full credit for his motives, and their friendly intercourse would receive no interruption. For his own part, he could not consider the alterations which had been made in the proposed bill from that discussed last session—though they were improvements, and suggested by the opponents of that bill—such as to do away with the main objections which he had stated to the former measure. Indeed, he took it for granted that no statement could be more painful to the ministers, than one which went to prove, that there were any important changes in the spirit and principle of their measure. That, however, was not the occasion to state his views on this head. All he would then say was, that when the noble lord (Althorp) stated, that ministers could not think of proposing a measure of reform less efficient than the last, he did not expect that such alterations and concessions would have been made as would have induced those on the opposition side of the House to support it at all. Whatever other hon. members might do, he should oppose the second reading.

The bill was read a first time.

TITHES (IRELAND.)

DECEMBER 14, 1831.

Mr. Hume said, that in consequence of a return having been ordered on a former evening, on the motion of the hon. member for the University of Oxford (Sir Robert Inglis), respecting the Tithes which were the property of laymen in Ireland, he wished, in order that the returns might be complete, to obtain a similar return respecting the Tithes which were in the hands of churchmen in that country. He therefore begged leave to move, "That an humble address be presented to his Majesty, that he will be graciously pleased to give directions, that there be laid before this House a return, by the registrar in each diocese in Ireland, of the number of parishes, the tithes of which, or a modus, are in whole or in part the property of and paid to the use of any Bishop or person in holy orders, specifying the name of such Bishop or person in holy orders, and the amount of the income which he has derived from tithes, or from a modus, from each such parish or extra-parochial place, on the average of the last three years on account of tithes and modus, stating, if under the Tithe Composition Act, or not; distinguishing whether the tithes be rectorial or vicarial, and the amount levied on arable and pasture land, respectively."

Mr. Crampton said, that as it was impossible that any return could be made to either motion, he thought it advisable that the hon. member for Oxford should move that his order be rescinded, and then perhaps the hon. member for Middlesex would not object to withdraw his motion.

SIR ROBERT PEELE said, he entirely acquiesced in the very sensible and judicious view of this question which had been taken by the Solicitor-general for Ireland (Mr. Crampton). If the motion of his hon. friend, the member for the University of Oxford, was persevered in, for a return from the lay impropiators, that furnished a sufficient precedent for a return of tithes held by the clergy; but there were strong objections to publish the names of the clerical holders of tithes in the present excited state of the public mind. As the secretary of state for Ireland had given notice of a motion relating to tithes, perhaps the whole question had better be left in his hands. At all events, he should recommend his hon. friend to give notice to have his order cancelled, and he had no doubt the hon. member for Middlesex would withdraw that before the House.

In reply to Mr. Sheil,—

Sir Robert Peel said, there was a great difference between the returns now sought for, and those made pursuant to act of parliament. Under the Tithe Composition Act, the amount was registered, and there could be no difficulty in obtaining it in each case.

The motion was withdrawn, and Sir Robert Inglis gave notice that he would move to have his order rescinded.

REFORM PETITION.

DECEMBER 16, 1831.

Mr. Warburton presented a petition from a body of persons calling themselves members of the National Political Union, in Council assembled, against any clause of the Reform Bill which should require the payment of rent or taxes as qualification to vote for members to serve in parliament.

The question being put that the petition be brought up,—

SIR ROBERT PEEL said, that before the petition was brought up, he must beg leave to call the attention of the House more particularly to it. The petition professed to be the petition of the members of the council of a society called the National Political Union, in council assembled, and it appeared to him impossible for the House to recognise such a body. He therefore felt it his duty, as many other petitions of the same nature might be presented, to call the attention of the House to the point, which appeared to him to be of considerable importance, particularly when he referred to his Majesty's proclamation; for although he was not prepared to say whether or not this particular body came within the scope of that proclamation, yet, as such a proclamation had been issued from the highest authority in the state, mentioning that societies under the denomination of Political Unions had been found contrary to the letter and the spirit of the law, he thought the House ought to be careful how it contravened that law, by recognising the acts of any such societies. He was of opinion that the House could not receive a petition from those parties, except as the petition of the individuals. When they addressed the House as members of the Council of a Political Union, in council assembled, the House ought to be cautious how it gave a sanction to the petition of persons assuming such a title.

Mr. Warburton said, that although on many occasions petitions were presented from persons claiming to sign them as members of certain societies, the House had never objected to receive them on that account. It was as the petition of the individuals that he presented the present petition. He was not aware that any illegal act had been committed by the members of the Union; on the contrary, he believed that they had not infringed on any Act of Parliament.

Sir Robert Peel said, he had disclaimed saying that they had been guilty of any illegal act; but the petition expressly set forth that it was the petition of members of the Council of a Political Union, in council assembled. His Majesty's proclamation, which he had sent for immediately on seeing the title of the petition, described the illegal unions as consisting of members subject to the control and direction of a superior Committee or Council. He therefore thought that the House ought to be cautious not to give a body which might fall under that designation the power of approaching it.

Mr. Warburton would, with the leave of the House, withdraw the petition for the present, but not with the intention of withdrawing it wholly, for he would present it on a future day.

Sir Robert Peel would meet the proposition of the hon. gentleman in the spirit in which he made it, and would not oppose the withdrawing the motion, although he might do so.

Petition withdrawn.

RUSSIAN DUTCH LOANS.

DECEMBER 16, 1831.

SIR ROBERT PEEL said, he was sorry to interpose a moment's delay before the debate on the Reform Bill commenced; but, with the consent of the noble lord opposite, he was going to put a question upon a matter totally unconnected with reform. He should not put this question now, if it did not involve a point (as it appeared to him) of considerable constitutional importance, the elucidation of which ought not to be postponed. However, in order to avoid, as far as he could, the possibility of a discussion, he should abstain from making any observations except such as were necessary to render the matter intelligible. He referred to that loan which was called the Russian Loan. The original circumstances under which that loan was entered into, it was unnecessary for him to detail; but it would be remembered by the House, that, in the year 1815, we contracted with the king of the Netherlands, and the emperor of Russia, to pay the interest upon a proportion of that loan, which amounted in the whole to upwards of two millions. An Act of Parliament was accordingly passed, which authorized the Treasury to continue the payment of the interest, conformably to our engagement. In order to ascertain whether we were bound, consistently with law, to continue that payment, it was necessary to understand precisely what was the nature of our engagement. The original amount of the loan was 25,600,000 Dutch guilders, which was rather more than £2,000,000 sterling; and we had consented to pay the interest of one-third of that sum. But an express engagement was entered into, that we should not be called upon to pay the interest after the possession and sovereignty of the Belgian provinces should be severed from the kingdom of Holland. He apprehended that the possession and sovereignty of those territories had been for a considerable time past so severed. On the 21st of June, in the present year, in the speech delivered to parliament, his Majesty recognised the right of the people of Belgium to make their own internal regulations, and to settle the government of their country according to their own views. Therefore, on the 21st of June, his Majesty admitted the *de facto* separation of the two kingdoms. Now, what he wished to ask the noble lord was, whether directions had been given for the payment of the interest upon the Dutch loan up to the present day, or to the next time when it would become payable; and if not, whether he did not consider it important to obtain the sanction of parliament to the payment, if it were to be continued? On the policy of continuing the payment he said nothing; but, in conformity with the letter and spirit of the law, he conceived that there was no authority in the Treasury to continue it.

Lord Althorp stated, that it was the opinion of his Majesty's ministers, and of the law-officers of the Crown, that they were bound to continue the payment.

Sir Robert Peel said, the noble lord had entirely misunderstood him. He was not considering whether it was consistent with the honour and good faith of the country to continue the payment, but whether it was consistent with the law. He wished to know whether the Exchequer was warranted by the Act of Parliament in issuing the public money; and he entreated the attention of the noble lord and of the House to the subject, and begged them to consider whether parliament ought to separate without giving an express sanction to the proceedings of his Majesty's government.

Later in the evening,—

Sir Robert Peel did not wish to appear captious; but really the matter seemed to him so clear, and at the same time so important, that he thought it better to state fully his views at once, than afterwards to turn round upon his Majesty's ministers, and make an accusation against them:—The Convention said, "It is understood and agreed between the high contracting parties, that the said payments on the part of their Majesties the king of the Netherlands, and the king of Great Britain, shall cease and determine, should the possession and sovereignty of the Belgic provinces at any time pass or be severed from the dominions of his Majesty the king of the Netherlands, previous to the complete liquidation of the same." The Act of Parliament said, that the payments should continue only so long as the engagements entered into in the Convention were continued. Now, the sovereignty

of the Belgian provinces had passed away from the king of Holland more than six months ago, and the debt had not been liquidated. Whatever honour or policy, therefore, might dictate, he doubted that the Exchequer had authority to continue those payments.

PARLIAMENTARY REFORM.

DECEMBER 17, 1831.

On the motion of Lord John Russell, the Order of the day was read for resuming the debate upon the second reading of the Parliamentary Reform Bill for England.

In the debate which followed,—

SIR ROBERT PEELE said, that at that late hour of the night, and in that stage of the debate, when so short a time was left for discussion, unless that discussion were (contrary to the usual practice) protracted into the morning of Sunday, he should have desired at once to address himself to those arguments in favour of this measure which remained unanswered, without referring to any matters of a private or personal nature. But the speech of the learned member for Calne (Mr. Macaulay) who, for the fourth time, had thought it desirable to introduce topics unconnected with the merits of the question, and who had addressed himself in a manner purely personal to him—compelled him to adopt a different course; for he should be unworthy of the situation which he held in that House, if he permitted the debate to close without reference to those topics. He thought, that the learned gentleman, having already, in the three speeches he had made in favour of reform, taunted him on the subject of the Catholic question, might have left that subject at rest. But the learned gentleman again returned to the charge, bursting with all the “sweltering venom” which had been collecting during the days and nights that had passed since the last attack.

The hon. member had charged him with having been guilty of ingratitude towards the present ministry in the course he had been pursuing. The hon. gentleman said, “When you proposed the Catholic question, they who had before brought it forward, handsomely gave you their cordial support; and when they bring forward the Reform Bill, why do not you return the compliment, and support reform?” What exalted notions of public duty the learned gentleman must have! He makes it a matter of courtesy and civility; a sort of interchange of compliments. But the learned gentleman overlooked the essential difference in the two cases. The gentlemen opposite supported the Roman Catholic Relief Bill when brought forward by him (Sir R. Peel) because they had always supported it. Had he supported reform? No, never; and yet the learned gentleman contended that he ought to support it now, not from conviction, but from gratitude.

The learned gentleman’s charge amounted to a charge of gross and corrupt apostasy. He accused him (Sir R. Peel) of having brought forward, first, the Repeal of the Test and Corporation Acts, and secondly, the Roman Catholic Relief Bill—not from a sense of public duty, but from the mere love of the power or emoluments of office, and the desire to appropriate to himself the credit which was due to others. He had long been silent under these charges—in the first place, because he did not think that the time had come when he could properly make the necessary disclosures; and in the second place, because he was conscious of having acted from pure motives, and because he felt assured that the time must come when those motives would be justly appreciated.

Now, to begin with the first of these charges. He met it with a positive denial of the fact. He had not undertaken, as a minister, the repeal of the Test and Corporation Acts. As a minister of the Crown he had opposed it, and he was beaten. When the noble lord (Lord J. Russell) had brought forward the question, the ministers had been left in a minority, and having been so left, he had not made any attempt to deprive the noble lord of the honour due to his success; but convinced, after what had occurred, that something must be done towards the settlement of the question, he had privately and unostentatiously laboured all in his power to effect an amicable settlement. “But,” said the hon. and learned gentleman, “why,

having opposed this while in office, did you not resign when you found your opposition unavailing?" The hon. member, with his usual discretion, seemed to wield a two-edged sword, which equally wounded friends and foes. Was it a matter of inevitable necessity that ministers should resign when they could not carry into effect a measure to which they were favourable? If it were so, then why did not the present ministers resign when the House of Lords rejected the Reform Bill? He made no charge against them for not resigning; on the contrary, he contended that it was not fair to infer improper conduct, because ministers did not at once resign when they were defeated in their attempt to oppose or to carry a particular measure.

What were the circumstances under which he, having failed in his opposition to the repeal of the Test and Corporation Acts, continued in office? On the 9th of January, 1828, he was called on to form part of the ministry. There had been three recent changes of the government; the last, the administration of Lord Goderich, having existed eight weeks only. There were three parties in the state; the Tories, the Whigs, and the friends of Mr. Canning. In the government of Lord Goderich, two of these parties had been united, and yet that government came to an untimely end, from its own intrinsic weakness, before a blow was struck—before even parliament was assembled. In the month of January, the Duke of Wellington was called on to form an administration. The duke and himself were obliged to postpone the meeting of parliament till the 29th of January, and on the 26th of February, one month after his noble friend and he had taken office, the noble lord (Lord John Russell) brought the subject of the Test and Corporation Acts forward, and ministers were beaten on the question. Was there any gentleman who would have had them abandon the king, one month after a signal proof that no other party, nay, no combination of other parties, could make a permanent, or even a decent government? This he considered a sufficient answer to the charge, that, having failed in resisting a certain measure, he had not forthwith resigned office.

He now came to the heavier charge, to that connected with the Catholic question. For several years he had taken an active part in resisting concession to the Roman Catholics. He had taken that part from a serious doubt, whether, viewing the state of property in Ireland—the state of the Protestant church—the state of society in a country wherein the religion of the great majority was not, and could not be, the established religion of that country, the concession of equal political power to the Roman Catholics would extinguish its religious discord, and lay the foundation of ultimate repose. But a combination of circumstances had concurred to convince him that exclusion was no longer maintainable—that there was greater risk to the peace of Ireland, and to the security of the Protestant establishment, and Protestant interests, in attempting to prolong that exclusion, than in the removal of every existing disability under which the Roman Catholic laboured. When he had declared that his opinions were unchanged on the Catholic question, what did he mean? Simply this—that his apprehension of the consequences of concession—his fears that it would not produce satisfaction and harmony, remained the same; but still there was a certain and impending evil, which could only be averted by incurring the remoter hazards of concession, an evil which would, after desolating Ireland, leave the question of concession where it found it, or rather, with a diminished prospect of any satisfactory settlement.

Into some of the reasons for entertaining these opinions he could not then enter; but the events of the Clare election showed that matters could no longer rest where they then were—that there must be either a settlement of the Catholic question, or the elective franchise must be modified. But in a House of Commons recently elected, the Roman Catholics had an actual majority. There was, in truth, so large a mass of Protestant influence and Protestant opinion ranged on the side of the Roman Catholics, encouraging their vehemence, and defeating the efforts to restrain it, that further opposition to a settlement of the Catholic question became, in his opinion, equally mischievous and impracticable. With that opinion, what course was he bound to pursue? Was it his duty to consult his own personal interests, to maintain his own personal consistency, by continuing and encouraging resistance—or to say, as he had said, to the king, of whom he was the minister—"On the balance of public evils there is, in my opinion, less of hazard in concession than in continued

and fruitless resistance, and therefore I advise concession?"—The question, so far as any charge could be justly preferred against him, was this. In giving that advice to the king, was he influenced, as the learned gentleman insinuated, by any desire of office, any wish to usurp honour or credit due to others, or by any base and interested motive of any kind?

He trusted he should be able now to vindicate himself for all time to come from any charge, or any suspicion, on that head.

After the discussions in the two Houses of parliament on the Catholic question, in the session of 1828—frequent communication took place between himself and the Duke of Wellington respecting the position of that question—and each of them had come to the conclusion, that it could not safely be left in the position in which it had stood for so many years—the members of the king's government having no opinion in common upon it, and the two Houses of parliament coming to opposite decisions.

He left town shortly after the close of the session, and the communication to which he referred was continued with the Duke of Wellington, in a confidential and most unreserved correspondence, from which he should quote those passages which would explain his own personal views and wishes in regard to the mode of settling the Catholic question. In the month of August, 1828, he wrote a letter to the Duke of Wellington, which, after entering fully into the general policy of attempting a final adjustment of the question, proceeds in these terms:—

"I have thus written to you without reserve upon the first and great question of all; the policy of seriously considering this long-agitated question, with a view to its adjustment. I have proved to you, I trust, that no false delicacy in respect to past declarations of opinion—no fear of the imputation of inconsistency, will prevent me from taking that part, which present dangers, and a new position of affairs, may require. I am ready, at the hazard of any sacrifice, to maintain the opinions which I now deliberately give—that there is upon the whole less of evil in making a decided effort to settle the Catholic question, than in leaving it as it has been left—an open question; the government being undecided with respect to it, and paralyzed in consequence of that indecision upon many occasions peculiarly requiring promptitude and energy of action.

"I must at the same time express a very strong opinion, that it would not conduce to the satisfactory adjustment of the question, that the charge of it in the House of Commons should be committed to my hands.

"I put all personal feelings out of the question. They are, or ought to be, very subordinate considerations in matters of such moment; and I give the best proof that I disregard them, by avowing that I am quite ready to commit myself to the support of the principle of a measure of ample concession and relief, and to use every effort to promote the final arrangement of it.

"But my support will be more useful, if I give it with the cordiality with which it shall be given, out of office. Any authority which I may possess, as tending to reconcile the Protestants to the measure, would be increased by my retirement. I have been too deeply committed on the question—have expressed too strong opinions in respect to it—too much jealousy and distrust of the Roman Catholics—too much apprehension as to the immediate and remote consequences of yielding to their claims—to make it advantageous to the king's service that I should be the individual to originate the measure."

The letter from which he was quoting concludes thus: "Consider these things well. If the question is to be taken up, there is clearly no safe alternative but the settlement of it. Every consideration of private feelings and individual interests must be disregarded.

"From a strong sense of what is best for the success of the measure, I relieve you from all difficulties with respect to myself. I do not merely volunteer my retirement at whatever may be the most convenient time—I do not merely give you the promise, that I will, out of office (be the sacrifices that I foresee, private and public, what they may), cordially co-operate with you in the settlement of this question, and cordially support your government; but I add to this, my decided and deliberate opinion—that it will tend to the satisfactory adjustment of the question, if the ori-

ginating of it in the House of Commons, and the general superintendence of its progress, be committed to other hands than mine."

He trusted that he had thus shown, that, when he originally concurred in the course which was afterwards adopted, he had not been swayed by any considerations but those of public duty. He remained until the month of January, 1829, retaining a decided opinion that the government ought to bring forward the Roman Catholic Relief Bill without delay, but in the earnest hope and belief, that his support to that measure would be given by him in a private capacity. But in the course of that month it was proved to him to demonstration, that his retirement from office would aggravate the difficulties with which the Duke of Wellington had already to contend, to such a degree as to make them insuperable. He had, therefore, written to the Duke of Wellington a letter, which bore date the 12th January. He repeated, in that letter, that his retirement from office was the only step which he could take, which would be at all satisfactory to his own feelings; he deprecated, in the most earnest manner, the necessity that he should be the person to bring forward the question in the House of Commons, but he concluded that letter by the following declaration:—"But I will have no reserve with you. I know all the difficulties of your situation. I know how those difficulties have been recently increased, as well by the communications which have taken place with the bishops, as by the necessary recall of Lord Anglesey.

"You will do justice to the motives of the declaration which I am about to make, and you will take no advantage of it unless it be absolutely necessary.

"If my retirement should prove, in your opinion, after the communications which you may have with the king, and with those whom it may be necessary for you to consult—an insuperable obstacle to the adoption of the course which I believe to be unavoidable; in that case you shall command every service that I can render in any capacity."

On this letter of the 12th January he found the following endorsement, written at the time:—"When I wrote this letter, the Archbishop of Canterbury, the Bishop of London, and the Bishop of Durham, had had an interview with the Duke of Wellington, and had declared to him that they were finally resolved to give their decided opposition to the proposed measure for the relief of the Roman Catholics."

The circumstance referred to in that memorandum, and the earnest appeal made to him by the king, not to shrink from proposing a measure which, as a minister, he advised the king to adopt, left him no alternative, consistent with honour and public duty, but to make the bitter sacrifice of every personal feeling, and himself to originate the measure of Roman Catholic relief. Could he, when the king thus appealed to him, when the king referred to his own scruples—to his own uniform opposition to the measure in question—when he said, "You advise this measure—you see no escape from it—you ask me to make the sacrifice of opinion and of consistency—will you not make the same sacrifice?" what answer could he return to his sovereign but the one he did return; viz., that he would make that sacrifice, and would bear his full share of the responsibility and unpopularity of the measure he advised? So much for the part he had taken on the Catholic question, and the motives by which he had been swayed.

While he totally abjured the doctrine of the learned gentleman, that he was bound to support reform because the advocates of reform had supported the Catholic question, he would never retract the opinions he had expressed with regard to those who, being politically opposed to him, had supported most zealously the Roman Catholic Relief Bill. He must repeat now what he had before said, that the conduct of those gentlemen who had given him their support on the Catholic question, was dictated by the purest and most honourable motives, and entitled that party to his respect and gratitude. He said so at the time; but did the hon. and learned member therefore think, that with "bated breath and whispering humbleness," he should shrink from offering opposition to this bill? Was he not at liberty boldly to say, that he thought the king's ministers were in error, if he thought them so? If he considered he was disqualified from taking the most decided part on reform, he would abdicate his functions, and not stand there to offer weak opposition to the measure. He would assert, however, that he was at liberty to offer this opposition, and, without any compromise of principle, or rendering himself liable to any charge of ingrati-

tude or inconsistency, to resist to the utmost of his power the extensive measure of reform proposed by the ministers.

A great part of the speech of the hon. gentleman turned upon the question, not whether this measure was for the permanent advantage of the country, but who were the parties that caused the present excitement? The assumption was, that to the pressure of external force we must give way, and that we had no alternative but that of satisfying the craving of the people. The hon. gentleman had said, "How is it that we can have eyes and not see, ears and not hear, legs and not walk; how is it that all our senses do not convince us that reform must be conceded?" Would he ask the same question of the Marquis of Lansdown, who had eyes, and ears, and legs; but who had neither seen, nor heard, nor walked, having for years opposed parliamentary reform? The hon. gentleman was very severe on all doubt and indecision in matters of public concern. How was it, then, that the hon. and learned gentleman was himself still undecided on that important point, the ballot? How did it happen that, like a certain animal (to which he meant by no means to compare him) between two bundles of hay, the hon. and learned gentleman remained still balancing, and unable to decide, between two series of arguments? He had been accused of obstinately resisting the popular demand for reform, and he felt that from many, the majority, of the members of the present reform government, such an accusation fell with a particular ill grace. Had hon. members forgotten the events of the year 1827? Did they recollect, that in that year the Marquis of Lansdown, Lord Palmerston, and the two Mr. Grants, and other hon. gentlemen opposite, took office under Mr. Canning?—Mr. Canning, the uncompromising foe of all reform; and who emphatically declared in that House (and that, too, be it remembered, after these noble and right hon. gentlemen had joined his administration), that he would oppose reform to the last hour of his life. Perhaps it might be said, that though these were Mr. Canning's personal feelings with respect to this particular question of reform, it, like the Catholic question, might be open to every member of the government to speak and vote as he pleased without affecting its integrity. His noble and right hon. friends had not this resource; for Mr. Stapylton's recent "Life of Mr. Canning" placed the fact beyond doubt, "that Mr. Canning was not only determined to resist reform himself, but that he would not acquiesce in any member of his government supporting that question. According to Mr. Stapylton, there was a written record of the principles on which Mr. Canning's government was formed, in which were these words—"That the inconvenience of having one open question in the cabinet, made it more necessary to agree that there should be no other; that all the then acting members of the cabinet were united in opposing the question of parliamentary reform, and could not acquiesce in its being brought forward and supported by any member of the government." Thus it appeared that public men, differing upon other questions—actuated by no dishonourable motives—taking what are supposed to be enlarged and comprehensive views of the interests of this country, did dread the agitation of that question of parliamentary reform. Why did he state these facts? Not, be assured, for the purpose of condemning the inconsistency of his noble and right hon. friends, who had joined with Mr. Canning, and were now reformers, but to inculcate this lesson—that if so recently as 1827 these eminent, noble, and right honourable gentlemen saw no reason against their joining an administration pledged to the death against reform, he, who then as now was opposed to all such schemes of reform as the present, might see reasons—other than mere party obstinacy—for persisting in the same course in the year 1831. If his noble and right hon. friends shrunk from opening the question in 1827, surely it was not so very remarkable but that he might remain impressed with the same feelings of apprehension a few years longer? Why censure him for not being immediately convinced of the necessity of reform, when Lord Lansdown and the other members of Mr. Canning's cabinet—those very persons by whom it was now advocated in both Houses of parliament—had, up to this time, remained unconvinced? They knew the decided opinions of Mr. Canning upon the question; for in 1827 he refused to transfer the franchise of Grampound to Leeds, and yet he believed that Mr. Tierney was the only member of Mr. Canning's cabinet who stipulated for liberty to support the question of reform. The learned gentleman said, that pertinacious resistance to moderate reform was the cause and the justification of the present measure. Could he be sur-

prised at resistance to the principle of reform, however moderate the shape it might first assume? Did he recollect the triumph of the noble lord, the author of this bill? Did he recollect his address to the most moderate of all reformers? Said the noble lord, "You have conceded the whole principle, when you agreed to transfer the franchise of Grampound to Manchester. How, then, can you stop there? To you who admit the principle, but refuse to go its lengths, I say, in the words of Cromwell, 'The Lord has delivered you into my hands.'" If, then, to make the slightest concession be a "delivering into his hands," what resource had the opponents of extensive reform, but to oppose the principle altogether? He had been complimented by the learned gentleman for having, on the first night of this discussion, sung his *palinode*—

Mr. Macaulay: I did not mention you; the term was directed to the right hon. ex-secretary of the Admiralty. All that was meant was, that the right hon. baronet's party took the whole credit to themselves of measures for the improvement of our systems of jurisprudence, commercial laws, and foreign policy, which had been forced on their reluctant conviction by the party now in office.

Sir Robert Peel: True, the hon. gentleman did not mention him by name, but the sarcasm was not the less pointed on account of the omission of the name. In introducing improvements into the commercial jurisprudence of the country, he had never arrogated to himself the praise that belonged to Sir Samuel Romilly; but what was to prevent him from effecting substantial reforms, supposing such reforms, though contemplated by others, remained unexecuted? The learned gentleman represented him as having taunted the government on the evening in which the present bill was introduced. So far from taunting ministers with their amendments of some of the details of the bill, as so many adoptions of the principles advocated on the opposition side of the House, as so many concessions to the wisdom of their opponents' policy, he stated, that he did not regard the alterations in the light of concessions, for that the essential principles of the measure remained wholly unchanged, and, therefore, equally objectionable. He added, at the same time, that he thought the country was in a better situation now for a deliberate consideration of the bill than when that of last session was under their notice—and therefore that the House and the country ought to feel grateful to the House of Lords for that decision, which afforded them an opportunity of reconsidering the fatal consequences of the former bill. He, for one, heartily rejoiced at that decision. He was confident that it would tend to the permanent advantage of the country. It was necessary to that calmness and deliberation fitting the legislature, and essential to the satisfactory discussion of the great question at issue, that the excitement which prevailed throughout the country with respect to the ministerial plan of reform should abate—that the public mind should be cooled somewhat from the fervour into which it had been artfully thrown—that some short time should be afforded

———"requiem spatiumque furori,"

and that opportunity, and that interval, and that *requies*, were furnished them by the decision of the House of Lords. Indeed, no persons should feel better pleased with that decision than ministers themselves, inasmuch as it had enabled them to lick somewhat into comeliness and grace another bantling of the same family. The right hon. secretary for Ireland seemed quite enamoured with this new offspring, vaunting much of the symmetry of its features, telling them, in the well-known

"O matre pulchrâ filia pulchrior,"

that the daughter far exceeded in beauty her lovely parent. Without presuming to offer an opinion on the delicate question of female beauty, while he complimented the right hon. gentleman's gallantry and good taste in embracing the daughter in preference to the mother, he wished he could contemplate with any satisfaction the future progeny of reform. He wished that it might not prove degenerate in itself, and, in the words of the same Horace,

———"mox datura
Progeniem vitiosiore."

After what they had heard in the course of this debate, it was but fair to presume,

that they should no longer hear this bill defended on the ground of the constitution. The noble paymaster appeared to dissent from this; but had he not himself said that evening, that if it had been his fortune to have lived at the period of the revolution, he would have voted for the exclusion of Catholics from political power, and also for the maintenance and continuance of the small boroughs? But surely, if these small boroughs were now contrary to the first principles of the constitution, they were equally so at the time of the revolution. The noble lord had, in the course of the debates, cited that part of the bill of rights which declared that "elections should be free." Now, it would not become him to question the historical and constitutional knowledge of the noble lord; but when he quoted these words as an argument in favour of the present bill, particularly that part of it which disfranchised the small boroughs, it became necessary to remind the House of the true meaning of the words "elections shall be free," and of the intention with which they were inserted in the bill of rights. Those words were introduced into the preamble of the bill of rights to meet a particular specific grievance, which had no connexion whatever with small boroughs or the reduced number of electors. The grievance to be redressed was, the direct and repeated interference of James II. in the election of members of parliament. That monarch was then deeply engaged in his design of restoring the Catholic worship to its pristine supremacy; and, for that purpose, he had issued orders to the several sheriffs to make out lists of electors and candidates who would vote for the repeal of the test act—the barrier against the admission of the Catholics into parliament and public office. Without entering into a minute history of James's proceedings, he would cite one anecdote in point: it was told by Sir John Reresby, in his *Memoirs*.* It appeared that the king requested the writer to stand for York. "If your Majesty so please it," replied Sir John, "I will, but it can only be on one condition." "Name it." "Simply, that your Majesty will so order it that none of the corporation shall vote but those I may choose." The King gave the order, and Sir John was returned. And it was to meet this, and similar gross violations of corporate rights, that it was declared in the bill of rights, that "elections shall be free," evidently showing, that there was not the remotest connexion whatever between that declaration, and the disfranchisement of small boroughs.

One word with respect to what had fallen last night from the hon. member for Calne; if, indeed, it was not something worse than superfluous, to offer any additional observations, after the unanswerable and matchless speech of his right hon. friend (Mr. Croker) beside him. The hon. member dwelt much on the necessity of the legislature evincing, what he called an *animus*, for adapting its enactments to the growing wants, and intelligence, and spirit, of the age. He was ready to admit, that if there did not exist an elastic spirit in the constitution, expanding itself to meet the temper of the times, that there was something imperfect, something that required alteration; and he would further admit, that if the boroughs were made of such iron stuff that they would not yield to the impression of improvement, that their doom ought to be from that moment sealed. But would any one, after looking at the acts of the legislature, and of late years in particular, say, that the *animus* of this House lagged behind the improvement of the times? Was it not rather in advance of the spirit of the times in what it did on the Catholic question, and on that of free trade? In what instance, during the last five years, would the hon. member point out, that that House had not kept pace with the growing improvement of public opinion? or, if the hon. gentleman preferred the phrase, with the "spirit of the age?" If the hon. gentleman could not point out any, it was most unwise to attempt, by precipitate means, and rushing on blindly in the dark, to effect a change which was silently and gradually in operation, and which violent interference on our part could only obstruct and retard. Had hon. members duly considered the effect of the proposed change in our constitution, upon our immense colonial possessions? If it were said, that the population of India was of so low a grade of intellect as not to understand the nature of good government, he thought that was an additional reason for caution in unsettling a dominion which had its foundation in the feelings, in the habits and prejudices connected with established usage, and the prescriptive exercise of authority? Then, to look nearer home, let them consider the effect which their

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freely and cavalierly destroying the smaller boroughs must inevitably have upon the minds of the people. If there was any feeling which, more than another, should be cherished in this country, it was that of regard—scrupulous regard—for the interests of property, and for the preservation of those political rights which were the birth-right of freemen. Was the feeling cherished, by destroying small but honourable boroughs, merely because they were small?—for no effort was made by ministers, to distinguish merely the small from the nomination boroughs, though the distinction was as practicable as it was just. It might be very well to say, that the nomination boroughs must be got rid of, but why not destroy the principle of nomination, by extending the constituency, and reserve the elective right to the borough? This was the very course pursued in the case of some boroughs. Take Midhurst for example—the mound Midhurst; they had been told, over and over again, that the representation of that place belonged to a hole in a wall; but after all, that very hole in the wall was to retain its right. It was true that the constituency was enlarged, and why not apply the same principle to other boroughs, at least equally admitting of its application? The noble lord confessed that this great and immediate change in the constitution could not be made without peril; and his noble colleague, the Chancellor of the Exchequer, added, if he thought it would have the effect of injuring the landed interests, he would, instead of forwarding the measure, oppose it. This remark of the noble lord seemed to imply some latent doubt as to its working; but the noble paymaster had not distinctly described the nature of the peril he anticipated. Was it to be found in the great extension of the franchise? The noble lord said, that by giving a vote to £10 householders, it would be conferred on a class of persons of intelligence, who could not be easily led astray by those whose interest or whose wish it might be to deceive them—a class of persons who could not be deceived into a belief, as the electors of Preston had been, that the Civil List for the exclusive use of the sovereign, and for his individual purposes, amounted to £1,000,000 a year. He could not concur with the noble lord in opinion, that £10 householders were a class qualified to draw profound conclusions on the intricate questions of commerce and legislation, or exempt from the bias of party violence, or deaf to the delusions and exaggerations by which they would be assailed. He had been favoured with the copy of a manifesto, addressed by the Walsall Political Union to the new constituency of that embryo borough; and, if that manifesto contained the appeals and arguments best suited to their taste and capacity, he could not consent to any compliment paid to them at the expense of the electors of Preston. The House, however, might judge for themselves, for he would read an extract from this document:—“The reign of oppression is nearly at an end; the fiat of the people of England has gone forth, and the decree has been confirmed by our patriot king, that might shall no longer triumph over right. The bill of reform must pass; and our future destinies will be placed in the hands of upwards of a million of Englishmen, whose true interests are identically the same with those of the still greater body of their unrepresented fellow-countrymen. You, fellow-townsmen, will have an important trust to perform in the great work of national regeneration. Reform in parliament will matter little to us, if we do not send men there who will do the business of the people; we entreat—we implore you, then, in the name of our common country, to look well to the character and political principles of the men who may offer themselves as candidates for your suffrage. Do not vote for any man who will not pledge himself to insist upon the most rigid economy in the expenditure of the public money, as well as to vote for the repeal of all taxes which press with peculiar weight upon the poverty and the industry of the nation; especially the iniquitous corn-laws, the assessed taxes, and all acts imposing taxes or restrictions upon the circulation of political knowledge—those odious and oppressive imposts, whose only effects are, by inducing ignorance, to lead to the commission of crime, and to hide from the public gaze the open profligacy and the insidious workings of corrupt and tyrannical governments. The abolition of the monopoly of the East-India Company—the instant and utter extinction of that abominable traffic in human flesh and blood, denominated negro-slavery—an earnest endeavour to procure for the honest electors of Great Britain, the protecting shield of the Ballot—and the limitation and duration of parliaments to a period not exceeding three years—on each and all of these important questions, the man who desires to be your representative ought to give distinct and positive pledges that he will act

in accordance with your opinion and feelings; or, if his own opinion shall come into collision with these, that he should then resign the trust which you shall have delegated to him, and thus afford you an opportunity of choosing some other person whose political opinions shall be more congenial with your own." He did not mean for a moment to question the right of the workmen of Walsall to urge their opinions on these difficult and most complicated questions, nor did he mean to say, that all which they did was not very honestly intended; but what he was afraid of was, that when the country got a popular parliament, it would jump to conclusions—conclusions that might be right abstractedly, but which, from the great variety of interests they embraced, required the nicest caution and consideration in their management. In the same way with respect to property: he had no fear of its destruction by confiscation; but he was afraid that some popularity-seeking Chancellor of the Exchequer might be forced by a democratic assembly to propose the repeal of taxes, and to adopt steps, the ultimate tendency of which would be, to shake the confidence of the country in the security of property; and that confidence once shaken, there would be an end to the chief stimulus to productive industry, the foundation of all our wealth, power, and eminence. Let them look to the present state of France—France, after her glorious revolution—France, relieved from the load of an hereditary peerage, and an established religion—France, with her popular king, whose only occupation it would seem was to run about seeking the *vive le roi* of his enthusiastically devoted subjects. And what was the state of this favoured country, which had so far outstripped us in the race of reform, notwithstanding the zealous efforts of our reform ministers? Let hon. members, anxious for the solution of the question, read the foreign correspondence of *The Times*, a journal above all exception as a witness in this case, being an advocate for reform, and distinguished for the ability of its foreign correspondents—what is their account of the state of France in respect to the employment and happiness of the industrious classes, whose especial benefit is to be promoted by reform—"Every post," says the French correspondent of *The Times*, "brings fresh intelligence to Paris from all those departments where any considerable portion of the inhabitants depend for their support on the prosperity of their trade or commerce, of the extreme state of misery and depression to which they are reduced; as an instance, you may take that portion of the French territory which is nearest to the shores of England. The towns of Arras, Bethune, and Hesdin, including the whole line of coast from Calais to Etaples, are described to be in a state of privation bordering on famine." This was the condition of a country with a decreasing revenue, a declining commerce, and a daily increasing army. Was it to be inferred, from his stating these facts, that he thought that the French were not justified in resisting the illegal exercise of power? No such thing. But he said, that the effect of all such rash and precipitate changes in government was, to suspend commerce, to derange industry, to put a stop to credit, and injure almost to death the manufacturing and labouring classes. His object was, to show that any violent change in the constitution of a country exposed to hazard its dearest interests, and that no such change could be advisable, unless under the pressure of a necessity, the existence of which in this country he utterly denied. "I oppose the bill," said the right hon. baronet in conclusion, "not that I expect to be successful here in my opposition, but because I will enter my solemn protest against incurring the responsibility of making one of the greatest and most precipitate changes in a constitution, which was the very best that ever existed in the annals of history. You should well consider the ultimate effects of the change you are about to accomplish on the three parts of the empire. You are about to disturb those proportions which were settled at the respective periods of the Union, and to add to the already existing causes of discontent and excitement in Ireland, new sources of jealousy and complaint, which it is wholly unnecessary to open. It is not in the spirit of hostility, but from the common interest which I take with the ministers in the welfare of the country, that I implore the government not to suffer this House to separate for the recess, without publicly proclaiming the course they mean to pursue with respect to the proportions of representation for the different parts of the empire, particularly Ireland. If you are determined upon not adding to the number of the Irish representatives, say so; but if you are not so determined, and feel that you must ultimately concede, I say give way at once, and by doing it graciously and in time, make the merit and favour

your own. I offer no opinion on the justice or expediency of the concession, but call upon ministers to at once avow their intentions. Do you, or do you not, mean to yield to the demands of the Irish members? I repeat, Sir, my opinions are decidedly opposed to the bill. I expected that the present ministers would bring in a reform bill on their acceptance of office; but I believe, in my conscience, that the concessions made by them to the popular demands have been far more extensive than was at all necessary. I was not prepared for so extravagant a measure, still less could I have thought that they would have ventured to bring in so large a measure of reform within three months after they had taken office, and while the country was yet agitated by the events of the French Revolution. No issue of this discussion can be satisfactory, for, decide as we may, there must be much irreparable evil. I may be obliged to submit by necessity to a plan of reform which I cannot successfully oppose; but believing, as I do, that the people of this country are grossly deceived, grossly deluded, in their expectations of the practical benefits they will derive from reform, I shall not be precluded from declaring my opinion, and opposing that reform as long as I can. My opinions being thus wholly opposed to ministers on the question of reform, I am precluded from taking any part whatever in the settlement of the question. I am satisfied with the constitution under which I have lived hitherto, which I believe is adapted to the wants and habits of the people. I deplore a disposition, which seems too prevalent, to innovate unnecessarily upon all the institutions of the country. I admit, that to serve the sovereign and the public in an office of honour and dignity, is an object of honourable ambition; but I am ready to sacrifice that object, rather than incur the responsibility of advocating measures which, in my conscience, will tend to the destruction of the best interests of the country. I will continue my opposition to the last, believing, as I do, that this is the first step, not directly to revolution, but to a series of changes which will affect the property, and totally change the character, of the mixed constitution of this country. I will oppose it to the last, convinced, that though my opposition will be unavailing, it will not be fruitless, because the opposition now made will oppose a bar to further concessions hereafter. If the whole of the House were now to join in giving way, it will have less power to resist future changes. On this ground I take my stand, not opposed to a well-considered reform of any of our institutions which need reform, but opposed to this reform in our constitution, because it tends to root up the feelings of respect, the feelings of habitual reverence and attachment, which are the only sure foundations of government. I will oppose to the last the undue encroachments of that democratic spirit to which we are advised to yield without resistance. We may make it supreme—we may establish a republic full of energy—splendid in talent—but in my conscience I believe fatal to our liberty, our security, and our peace.

The House divided on the question, that the bill be read a second time. Ayes, 324; Noes, 162; majority, 162. The House then adjourned till the 17th of January.

JANUARY 20, 1832.

Lord John Russell moved the Order of the day for the House to resolve itself into a committee of the whole House on the Parliamentary Reform Bill for England.

On the motion that the Speaker do leave the chair,—

Mr. Croker expressed his surprise and regret, that ministers still adhered to their determination of forcing on the bill before the House had been supplied with the documents necessary for the elucidation of its most important details, and implored them not to force the House into a premature consideration of the measure.

Lord John Russell, in reply, denied that any reason had been adduced which ought to influence the House towards postponing the committee upon the bill itself, or that there had not been laid before them ample information to consider other parts of the bill.

SIR ROBERT PEEL said, that the noble lord appeared to have greatly misunderstood the observations of his right hon. friend. The objection of his right hon. friend went to this—that the information on this subject which ministers themselves considered material, not having been yet supplied, it was improper, without that information, to go into the committee, which ought, therefore, to be postponed until

the necessary documents were laid before the House. He entirely coincided in the sentiments of his right hon. friend; and he would say, that if the House of Commons had any respect for its own privileges and dignity, if it had any respect for the rights of the people, it would adopt the proposition of his right hon. friend, and would refuse to proceed further until they had this important information regularly placed before them. Before they proceeded to determine that fifty-six boroughs should be disfranchised, he would demand, in the name of justice, that there should be submitted to the House that information which formed the professed basis and groundwork of so great an alteration in the constitution. On the 6th of December, his Majesty called their attention to the measures which would be proposed to them for a reform in the Commons House of parliament. They were recommended to take those measures into their most serious consideration. And what did the noble lord propose? His proposition was, the principle of the bill being affirmed by the House, to go into a committee on its details this night, in the absence of that information which even the noble lord himself admitted to be necessary. And what was his statement with respect to that information? Did he say, that it was not prepared—or, being prepared, not in a fit state for production, or that it was so voluminous that there had not been time to print it? No. It was prepared—it was producible, nay, it was printed—but, says the noble lord, “The sheets are not yet *stitched*, and we cannot wait for the stitching.” There was something equally absurd and mischievous in such blind and hurried legislation. The question on which the House was called on to decide, was no less than this—Whether it was fitting to disfranchise fifty-six boroughs? Against such a proceeding, in the absence of the necessary information, he would most strenuously protest. The noble lord said, it was a matter of indifference in what order the boroughs were placed; but was it a thing of trifling importance, to deal with a subject which might deprive a large class of persons of their rights in the absence of the necessary information, or at least of time to examine that which had been furnished, as it was only that morning a paper had been distributed, which gave a final report of the places assigned to the various boroughs. To show the anomalous situation in which they were placed, he would call the attention of the House to page 9 of the document No. 8, and he begged of them to look to the places between 77 and 87, and the notes appended to them. The first was Horsham; the statement of the number of houses in the borough, and that of the commissioner, had been adopted, then came a note, “but see report and plan,” while, in point of fact, there was neither report nor plan: 76 was Great Grimsby, to which a note was appended, that there had been a mistake in the amount of taxes: 77 was Calne, to which a note was attached, “for explanation of the numbers now adopted, see note to commissioners’ report,” but the report had not yet been furnished: 78, Arundel, the returns agree as to the number of houses: 79 Dartmouth, to which it is stated that the commissioner’s return of houses was adopted, which differed twenty-five from that of the returning officer; but then it was again added, “see report and plan,” and “for explanation of the numbers now adopted, see note to commissioner’s report;” 80, St. Ives, the statement of the returning officer and the commissioners correspond, and such was also the case with the two following boroughs, Rye and Clitheroe, but to No. 83, Morpeth, this note was appended, “the statement of the commissioner has been adopted; it is probably correct, but cannot be considered definite until a further enquiry, now in progress, is completed;” and then they were again referred to the “commissioner’s report:” 84, Helleston, the statement of the returning officer and the commissioner correspond: 85, Northallerton, to which the same notes were appended as to No. 83. Then came 86, Wallingford. It was said the returning officer and the commissioners agreed as to the number of houses, but differed as to the amount of taxes; but the report of the former was adopted, as it was supported by the parliamentary returns, and then they were again referred to the “report and plan,” neither of which had been furnished. Thus, in a list of twelve boroughs, there were to nine of them notes appended, implying the necessity of further enquiry, and all these places were on the boundary of partial disfranchisement—that is to say, the forfeiture or the continuance of their rights depended upon a very accurate balance of their relative importance. They were constantly referred to a document—viz., the commissioners’ report, without which it was impossible to understand the table, and this document was not yet in the hands of members. It

ought to have been presented last night, but, as that had not been the case, he supposed it would be delivered as soon as it could be stitched. In the mean time, however, they were called upon to proceed with disfranchisement. Now he would ask if, in the absence of such information, it was fair, it was decent, to call upon a deliberative-assembly to go on with a measure respecting which they had not received such information as the noble lord himself considered necessary to a right understanding of it? He did not mean to attach undue importance to this matter, but important it undoubtedly was. In the first letter of the secretary of state to Lieutenant Drummond, he said, "The government have determined to found the reform bill on a new basis." As that was admitted, was it not necessary that this new basis should be submitted to the House? Ought they not to know the peculiar circumstance of each borough, and the nature of its claims, before they decided on the loss or maintenance of an ancient privilege? Surely they ought, when they were sitting in a judicial capacity. They might rate the privileges of those boroughs as of little worth; but they must see that it was not a matter of small moment to those places on which they were about to inflict disfranchisement; and it became a monstrous and oppressive evil, if, in effecting that object, they proceeded with carelessness, and the disregard of facts within their reach. What possible inconvenience, he would ask, could there be in postponing the first clause? It was too important to decide in the absence of information. From the concluding part of the noble lord's speech, he supposed that the noble lord meant to press the question to a division. Whatever the feelings or sentiments of gentlemen might be on the principle of reform, he hoped that they would, on the division, resist this attempt to carry an important question in the absence of information. He cared not for the number that might divide with him; but so strongly did he feel the necessity of having proper information before the House, or rather, he should say, of having time to read the documents which were actually presented and printed, that if he stood alone he would divide against the proposition of the noble lord.

Lord John Russell, in rising to move, "that Mr. Speaker do now leave the Chair," begged leave to state, that he thought far more time would be allowed to hon. gentlemen to gain any information that they might wish to acquire, by suffering the House to go into Committee then, than by postponing it to a future day.

Mr. Croker: I differ from the noble lord; and, therefore, I beg leave to move, that all the words of the question after the word "that" be omitted, and that there be substituted, "the House resolve itself into Committee on Tuesday next." That, in my opinion, will be the shortest way of proceeding, as well as the justest.

The question was put, that the words proposed to be left out stand part of the question, and the House divided, when there appeared—Ayes, 152; Noes, 99—majority, 53.

The House then went into Committee.

On the first clause being read, Mr. Croker moved as an amendment—that the number "fifty-six" be omitted.

Lord Sandon was of opinion that ministers had acted prudently in confining the number of boroughs to be disfranchised to fifty-six, and must vote against the amendment.

Sir Robert Peel thought, the better course to pursue would be, to adopt his right hon. friend's amendment, and omit specifying any number whatever. As fifty-six was the number inserted in the late bill, and as the government now admitted some of the boroughs therein placed did not deserve to be totally disfranchised, it was manifest that the number now chosen might be equally ill chosen. By omitting to specify any particular number at present, therefore, they would avoid blindly pledging themselves in the absence of the information or data on which their pledge ought to be founded. When he said this, he did not mean to deny that, under any circumstances, the number must in some degree be arbitrary: but he desired only to protest against their being called upon to pledge themselves to the selection of a given number as a preliminary step, in the absence of due information. It was important that they should be in possession of every information in the power of ministers to bestow with respect to the basis of the present schedules A and B; as that founded

on Lieutenant Drummond's calculations was, to say the least, extremely vague and unsatisfactory. That officer told them he founded his average of the relative importance of a borough, on a combined calculation of the number of houses contained in it, with the amount of its assessed taxes. Now, the geographical limits of a borough being once defined, it was easy to ascertain the number of houses; and, in his opinion, the number of houses, combined with their average rental, would be a much better test of the relative importance of towns than the number of houses combined with the amount of assessed taxes. In fact, no more vague criterion existed than the amount of assessed taxes paid in a borough—though it was that adopted, at the instance of ministers, by Lieutenant Drummond. Take, for example, the cases of Milborne Port and Midhurst; the former in schedule A and the latter in schedule B. Milborne Port contained 383 houses, and was to lose its two members; while Midhurst—a byword last session—with but 254 houses, was to retain one. And why was this? Because, according to Lieutenant Drummond's returns, Midhurst paid more assessed taxes than the other borough [hear, hear]. Hon. members cried “hear,” but it would be easy to show that no more uncertain and vague standard of the relative importance of a borough could be devised, than its contribution to the assessed taxes, nor one, too, more liable to be abused for elective purposes. Let them suppose—he knew not whether the supposition would be agreeable to the fact—that the proprietor of Midhurst kept up a large establishment in its immediate vicinage, and that he followed the usual course of paying for his servants, carriages, &c., in the country. The assessed taxes payable by Midhurst would be proportionably increased, and thus a nomination borough would be preserved through the accident of its patron paying his assessed taxes to the collector for the borough. In the cases of the other boroughs the wealthy proprietors in the neighbourhood might have compounded for their taxes, and have paid the composition in London. Where was the justice of making the loss or preservation of elective rights depend upon such accidental circumstances? There were not less than six places in schedule B whose privilege might depend on those circumstances. This showed that no more uncertain criterion for judging of the real importance of a place could exist than taking the whole of the assessed taxes. The house-tax alone might be a just criterion, but taking the whole assessed taxes, including those for servants, &c., it was not a just one. At any rate, he saw no reason whatever for binding down the House to any particular number of boroughs. They could gain nothing by fettering their own discretion by an arbitrary and irrational rule.

In reply to Lord Althorpe,—

Sir Robert Peel begged leave, in corroboration of his argument against their taking the amount of assessed taxes as the basis of schedules A and B, to cite the case of Gatton—that borough, containing twenty-three houses, six of which paid £207 assessed taxes, being more than was paid by any of the first thirty boroughs set down in schedule A. This proved that the amount of assessed taxes paid could not be a safe criterion. But the noble lord had gone on to assert, that the amount of rental was equally fallacious. This was somewhat extraordinary in the noble lord; for he had frequently heard the noble lord and his colleagues declare, that the whole of the franchise to be formed by the bill, was to be based upon houses of £10 annual value, so that rent was a principal criterion in the enfranchising clauses, but was admitted to be worth no consideration in disfranchisement. He left the noble lord to account for this inconsistency.

Later in the evening,—

Sir Robert Peel said, that the noble lord's explanation clearly showed that they were actually doing nothing by retaining the number fifty-six in the clause; for it appeared that, notwithstanding the number, it would be in the power of any one to move to add to that number.

The Committee then divided on the original question: Ayes, 198; Noes, 123; majority, 75.

POOR LAWS AND TITHES (IRELAND).

JANUARY 23, 1832.

Lord Morpeth presented a petition from the inhabitants of Leeds, praying the House to take into its consideration the best mode of applying some measures of relief to the poor of Ireland, by the establishment of poor-laws in that country.

Mr. Hume, while agreeing that it was merely an act of justice to make provision for the poor of Ireland, would not recommend that that object should be effected by the introduction of such a system of poor-laws as existed in this country. He described the tithe system as being most oppressive to Ireland; but, as the people were unanimously resolved not to pay them, he considered that question as effectually settled.

SIR ROBERT PEEL was surprised that no member of his Majesty's government had risen on this occasion to protest against the doctrine that had been promulgated by the hon. member for Middlesex (Mr. Hume), with regard to the settlement of the tithe question in Ireland. Looking at the present state of that country, the government was imperatively called upon, for the sake of the peace of society, putting all other motives for the moment aside, at once to protest against the doctrine of that hon. member. Though there was no doubt that each individual clergyman in Ireland had as just and legal a claim to the possession of his tithe as any man who heard him had to the possession of his landed property, yet did the hon. member for Middlesex assert openly in that House, that such claim had been, by the means of force and of combination, practically and actually defeated. What chance, on that hon. member's own reasoning, would he himself have of resuming the church property in Ireland for the purposes of the state, if the existing right to the possession of it could be in this manner effectually defeated? The landlords and landowners of Ireland might depend upon it, that if they sanctioned such a mode of dealing with tithes—if they supported or countenanced the doctrine, that by such illegal combinations as had lately taken place in that country, a legal title could be defeated—an interval of two years would not elapse before that doctrine would be visited on themselves, and their claims to their rents met and defeated by similar means. The course which had been followed in resisting the just claims of the clergyman would, if successful, be immediately tried in resisting the payment of rents. What was there to prevent great bodies of men from combining together in passive resistance, as it was called, to the claims of the landlords, as well as to the claims of the clergymen? If the landlords of Ireland at all countenanced such illegal combinations against the just claims of the clergy, they were miserably deceived if they imagined that they could themselves escape a spoliation not more unjust, and equally easy of execution. He trusted, that in whatever the legislature should deem it right to do, with regard to the adjustment of the question of tithes in Ireland, care would be taken, that no persons there should profit by their own wrong. God forbid that any party should succeed in appropriating the church property in Ireland to the state! but even that would be a less evil than the robbery of the church for individual aggrandizement. If the state ever did confiscate to public uses the property of the church—he apprehended that the landholders of Ireland would not, and he fervently hoped they might not, benefit by the change. It was said by the hon. and learned member for Kerry, that it was only by means of the military or the police they could enforce the payment of tithes in Ireland; but was it by such an argument as that, that this great question was to be settled? It was for the legislature to determine what modifications should be made in the tithe system; but as long as the law remained as it was, it was their duty, as legislators, and as members of society, to take care that just and legal rights were not defeated either by force, or by any species of resistance, active or passive, to the law.

Lord Althorp said, the course which the government intended to pursue on this subject was before the House, and his right hon. friend, the secretary for Ireland, had already so clearly stated the grounds on which that course had been adopted, that he (Lord Althorp) did not think that there was the least occasion for his rising to protest against the sentiments that had fallen from the hon. member for Middlesex. He would only observe, that any course of proceeding which tended to defeat the just claims of any man, whether he be clergyman or layman, if not opposed

and put down, must lead to the destruction of the whole frame of society. Whether combinations for such a purpose were within or without the law, mattered nothing. The security of property in Ireland depended upon the putting an end to such proceedings.

Sir Robert Peel admitted, that the practice of raising discussions on petitions was a most inconvenient one; but he must be allowed to express his gratification at having elicited such an explanation from the noble lord.

In reply to Mr. Sheil,—

Sir Robert Peel, in explanation, said, that he had merely risen to protest against the doctrine of the hon. member for Middlesex; and that it was not for him, on such an occasion, to go into a subject which was at present under the consideration of a select committee of that House.

The petition was referred to the Committee on Tithes.

PARLIAMENTARY REFORM.

JANUARY 23, 1832.

On the motion of Lord John Russell, the House went into a Committee upon the Parliamentary Reform Bill for England.

Upon the reading of the words in clause 2, "that each of the thirty boroughs"—

Mr. Goulburn moved as an amendment that the word "thirty" be omitted

Sir George Warrender seconded the amendment.

SIR ROBERT PEEL was proceeding to address the committee, and had observed that he had no wish to revive—when he was interrupted by a stranger in the gallery, who exclaimed: "Justice, verily justice—I am commanded by the Lord God to proclaim to you—it was in the month of January last that he revealed"—The individual was immediately taken into custody and removed. The right hon. baronet then went on to say, that he had last session so fully discussed the principle involved in the present clause, that he had then little to add; but that, after the maturest investigation of the subject, and wholly uninfluenced by what had been said on former occasions, he had arrived at the conclusion—similar to that formerly stated by him—that it would be as injurious as it would be unconstitutional, to take away from the thirty boroughs set down in schedule B, the right of returning two members each. The very principle on which ministers attempted to justify the total disfranchisement of schedule A, went to show that they were wholly unwarranted in depriving the boroughs of schedule B of a moiety of their representation. For what was that principle? Why, that the boroughs in schedule A were mere nomination boroughs. Now, for the sake of argument, let it be granted that they were nomination boroughs, and that as such it was right to wholly disfranchise them, did it follow that therefore boroughs which ministers did not and could not designate nomination ones, should in like manner suffer partial disfranchisement? Either the boroughs in schedule B were nomination boroughs, or they were not; if they were, why, on the ministerial principle of disfranchisement, were they to be permitted to return any representatives whatever? If they were not, why deprive them of their full complement of members? What abuse had they committed which justified the penalty of partial disfranchisement? He had, on a former occasion, so fully stated his reasons for preferring in all boroughs a right of double representation to the return of a single member, that he would not again discuss that point.

One word with respect to the clause fixing "fifty-six" as the number of boroughs to be contained in schedule A, on which he had expressed his sentiments on Friday last. On that occasion he had asked for delay, in order that they might have the evidence before them on which they were called upon to agree to a proposition for depriving fifty-six boroughs of their franchise privileges, but was left in a minority, ministers refusing to grant this rational request. Judge of his surprise—indeed he would say humiliation—on finding on the morning of Saturday, on his table, the very information which ministers refused to tarry for even one day, and on a motion to obtain which delay he had, at ten o'clock on Friday night, been outvoted. The very promptitude with which the information was furnished showed, not only the

justness and timeliness of his request for a short delay, but also the essential importance of the information required to a due investigation of schedule A; indeed, on this last head, there were the "instructions" of the home Secretary of State to the gentlemen appointed to examine into the report upon the boundaries, population, taxes, rental, &c., of the several cities and boroughs included in the schedules of the present bill, insisting upon the necessity of full and accurate information as of the last importance to the discussion of the details of those schedules. As, however, ministers had refused to grant this information in the first instance, it was but fair to presume that the motion, fixing upon fifty-six as the number of boroughs to be contained in schedule A, did not preclude a discussion of the merits of the particular boroughs to make up that number. The evidence, he was sure, would show, that it would not be possible to fill up that number without violating the very principles on which ministers professed to ground their proceeding—but of this more on a future occasion. The argument of the noble lord (the Chancellor of the Exchequer), justificatory of the clause fixing upon the number of fifty-six, struck him as unusually unsatisfactory. The noble lord said, "We take fifty-six, because that is the number of boroughs set down for disfranchisement in our former bill. We do not go further, because we might thereby risk the success of our measure in the House of Lords, it being not probable that those who rejected a bill with fifty-six disfranchised boroughs, would sanction one containing more; and we cannot insert a less number, because the country, which approved of the former bill, would not be satisfied with a less efficient disfranchisement schedule." This was thought triumphant reasoning for schedule A. But how did it apply to schedule B? how did it bear upon the preliminary selection of the number thirty for the number of boroughs of which schedule B was to consist? In the last bill schedule B contained forty-one boroughs. Surely "the people" approved of schedule B with its forty-one boroughs, equally with schedule A with its fifty-six boroughs. If the circumstance of the country's having approved of a particular number in a former measure were an argument compulsory for that number being retained in the new bill, how did it happen that ministers themselves fixed upon "thirty" as the number for schedule "B," being eleven less than the number in the bill approved of by "the people?" If the country would now be satisfied with thirty instead of forty-one boroughs as the complement of schedule B, was it not probable that it would be equally satisfied with fifty instead of fifty-six boroughs in schedule A? And if the number was to be thus taken at haphazard in the first instance with regard to schedules A and B, without any reference to circumstances, might not the country be dissatisfied that some pet number should not also be beforehand fixed upon for schedule C, which ministers left to be determined by circumstances? He should like to hear these questions answered. The right hon. baronet concluded with saying, that he would move at a future time, either that the present clause be omitted altogether, or, what would practically be the same, that each borough in schedule B should be permitted to retain its two members.

The Committee divided on the original motion. Ayes, 210; Noes, 112; majority, 98.

On the seventh clause being read—"And be it enacted, that every city and borough in England which now returns a member or members to serve in parliament (except the several cities and boroughs enumerated in the said schedule A, and the several boroughs of New Shoreham, Cricklade, Aylesbury, and East Retford), shall, for the purposes of this Act, include the place or places respectively which shall be comprehended within the boundaries of such city or borough, as such boundaries shall be settled and described by an Act to be passed for that purpose in this present parliament: which Act, when passed, shall be deemed and taken to be part of this Act, as fully and effectually as if the same were incorporated herewith; and that every such city or borough shall, together with the place or places respectively so to be comprehended therein as aforesaid, be a city or borough for the purpose of returning a member or members to serve in all future parliaments.

Sir Robert Peel said, no definite instructions appeared to have been given to the commissioners, relating to the boundaries of boroughs; local knowledge of the various places detected many errors in the returns. As far as he was concerned, he should apply this rule to Tamworth, and he therefore begged leave to ask, was it intended

to include the whole of that town within the limits of the borough, and for what portion of it were the assessed taxes calculated?

Lord John Russell said, the document on the table proceeded from the returning officer of Tamworth. It certainly did him no credit; for it appeared so inaccurate on the face of it, that another return had been required, and he believed the latter would be found correct.

Sir Robert Peel: Then, according to the noble lord's own showing, government had been at the expense of printing returns which they knew to be inaccurate. What object could they have in view, and how could any person say it was a document prepared by the returning officer, when even his name was not signed to it?

Mr. Wilks, while determined to advocate reform, must resist the provision contained in this clause, and would move as an amendment that the following words be omitted: "Every city and borough in England which now returns a member or members to serve in parliament (except the several cities and boroughs enumerated in the said schedule A, and the several boroughs of New Shoreham, Cricklade, Aylesbury, and East Retford)"—and that the following words be introduced, "Every borough in England enumerated in the said schedules, B, C, and D."

Mr. Robinson seconded the amendment.

Sir Robert Peel said, there were several places where it would be very desirable to add the other parts of the town to the borough; and he thought the amendment proposed by the hon. gentleman would confine the operation of the clause within its proper limits. He would take the case of Tamworth, where the castle was built before the Conquest, and the Charter was granted by Queen Elizabeth. He did by no means desire to prevent the inhabitants of all parts of the town from being allowed to vote for members of parliament, but he wished the limits of the borough, as settled by ancient records, should be preserved.

Mr. Croker then suggested that the chairman should report progress, and ask leave to sit again; which was agreed to, and the House resumed.

TITHES (IRELAND) PETITIONS.

JANUARY 24, 1832.

Mr. Hume, in presenting a Petition from the Roman Catholic Inhabitants of the Parish of St. Agnes, in the Diocese of Cork, against Tithes, took occasion to observe, that phrases were sometimes used in the heat of debate which were not intended. He admitted that he himself often, in the course of debate, used words which, on more cool reflection, he should wish not to have used. He supposed that it was in this way the word "disgraceful" had been applied to his statement as to the Tithe Question in Ireland, by an hon. member opposite, and had afterwards been repeated by the right hon. baronet (Sir R. Peel). He did not think it disgraceful to state important facts which came to his knowledge on this subject, and he thought the disgrace would only lie upon the suppression of such facts. In conclusion, he earnestly hoped that ministers would lose no time in submitting the whole question to the consideration of parliament.

The Petition having been read,—

SIR ROBERT PEELE said, that any thing which had fallen from the hon. member for Middlesex, would not divert him from the real question before the House. He was not conscious of having used the word "disgraceful" in reference to the hon. member's argument; but if such a word had been applied, it was to the principle involved, and indeed avowed, in the hon. member's speech—that the spoliation of Church property was a measure which the government and the legislature ought to adopt—than which no principle could be more unjust. He would admit, that when the government determined on the appointment of a committee to enquire into the system of tithes in Ireland, it must have had in view the question, whether some other mode of paying the clergy might not be devised; but it never was admitted for an instant, that the enquiry had any reference to the spoliation of the property of the Church. He had been all the morning engaged in that committee, in pursuing the enquiry relating to the collection of tithes, but he would not go into the matter

at that moment. The subject to which the hon. member for Middlesex had referred, when he made the statement complained of, was the question mooted by the hon. and learned member for Kerry, that a noble lord should be added to the Tithe Committee. The hon. member for Middlesex said, the whole committee was unnecessary, as the Tithe question in Ireland was already settled. How the hon. member could make such a statement, when he must have known, what indeed was perfectly notorious, that tithe was paid without objection in many parts of Ireland, he could not tell. He would not say whether such a statement was disgraceful or not; but certainly no man could hear with approbation such a declaration as that of the hon. member for Middlesex—that if he were an Irish Roman Catholic he would not pay tithes. Was it right to encourage the people to resist the payment of tithes, to which the owners had as much legal and moral right as the hon. member had to receive rent from any tenant on his estate? He did not say, that the present system might not admit of some modification, but he would contend, that the property of the Church was held by as good and as sacred a title as that of any gentleman to his private estate; and, if once that property were invaded, there would be no security for property of any kind in Ireland.

In the debate which followed,—

Mr. Hume, in moving that the petition be printed, took the opportunity to deny that he had ever sanctioned any plan which had for its object the spoliation or robbery of the Church. Some years ago he had laid resolutions on the table of that House with respect to Church property, one of which directly went to preserve to individuals the right which they might at present possess to any such property.

Sir Robert Peel assured the hon. member, that he had no desire to make an unfair attack upon him: he had understood the hon. member to state, that the resistance now offered to the collection and payment of tithes, justified the legislature in committing a spoliation on that species of property; under that impression, he had certainly said, that such language was unjust. If the hon. gentleman had not used the language imputed to him, he had spoken under an erroneous impression.

The petition was ordered to be printed.

RUSSIAN DUTCH LOAN.

JANUARY 26, 1832.

Mr. J. C. Herries, at the conclusion of a speech of considerable length, moved the following resolutions:—

“That by the Act 55 George III., for carrying into effect a convention between his Majesty and the king of the Netherlands and the emperor of Russia, power is given to the commissioners of his Majesty's treasury to issue such sums of money as shall be required for the payment of the interest or principal of a certain portion of a Russian loan in Holland, to be borne (in pursuance of that convention) by his Majesty as and when the same shall be payable, conformably to the tenor of his Majesty's engagement, as specified in the said convention.

“That by one of the articles of the said convention, recited in the said Act, it is expressly provided, that the said payments on the part of the king of the Netherlands, and of his Majesty as aforesaid, should cease and determine should the possession and sovereignty of the Belgic provinces at any time pass or be severed from the dominions of his Majesty the king of the Netherlands, previous to the complete liquidation of the same.

“That the application of the public money for the purpose of effecting any payments on the part of Great Britain, on account of the Russian loan in Holland, after the possession and sovereignty of the Belgic provinces had passed from the dominions of the king of the Netherlands, is contrary to the provisions of the Act 55 George III., c. 115, and is unwarranted by any authority of parliament.”

Lord Althorp said, that as the two first resolutions of the hon. gentleman were merely declaratory of fact, he would, so far as they were concerned, move the previous question; but as the third resolution was a direct censure on ministers, he would meet it with a direct negative.

A long discussion ensued, in which Mr. Pollock, the Solicitor-general, Mr. Baring, Mr. Spring Rice, the Attorney-general, Lord John Russell, and several other members, took part; after which,—

SIR ROBERT PEEL rose amidst loud cries of “adjourn” from the Treasury Benches. He said, he hoped at least that those gentlemen who clamoured for adjournment would not accuse him or his friends of wishing to delay the Reform Bill. Seeing the arguments which had been brought forward in opposition to the motion, he did not suppose the House would consent to an adjournment. The question lay in a very small compass. It was not whether there existed on the part of this country an engagement—an honourable obligation towards another state, but simply whether a department of the government was justified, by the terms of an Act of Parliament, in continuing a payment to Russia after the separation of Belgium from Holland? When, therefore, the noble lord (Lord John Russell) said, that nobody had yet given an opinion as to the binding nature of our engagement to Russia, the answer simply was, that nobody was prepared to express that opinion, because he had not that information which would enable him to form one. When the noble lord laid the documents on the table, he might have a different opinion upon the subject from that which he had at present, and far was he from wishing to derive any advantage from a technical construction of a statute; for if an equitable or moral obligation had been contracted, he cared not for the letter of the law, but was prepared to keep strict good faith with Russia. But he would not consent to issue money by virtue of an Act which gave no authority for its payment. There could not be a doubt that the issue was not justified by that Act. If there were secret engagements, had not the time arrived now, after the lapse of fifteen years, when, without inconvenience, they might be laid before parliament, and the nature of the obligation which they involved publicly declared? If the time had not come, it was decidedly the duty of ministers to communicate to the House, by a message from the Crown, that such engagements existed, and that it was not consistent with the good of the public service to make them known. Even in the case that in the absence of any engagements, patent or secret, the public interests, on account of recent events, required the continuance of this payment, then, likewise, should ministers have come down to the House of Commons and declared the fact, and, if they could not disclose all the circumstances, ask for a vote of credit. But certainly they should not have taken that most unwarrantable course of vindicating this issue by pretending an authority which the law did not give. The House of Commons never would support such an erroneous, such a gross construction of an Act of Parliament. The line of defence adopted by the ministers proved their conviction that they were doing that which was not right. The Chancellor of the Exchequer sheltered himself under the wing of the Solicitor-general; the noble lord, the Paymaster of the Forces, crouched under the gown of Lord Grenville, and, finding that it could give him no protection, as a last hole wherein to rush, he earths himself in reform. From thence he invokes the assistance of reformers, and asks for their vote, not on the merits of the question, but on the ground of their attachment to reform. Was there ever so childish an appeal? So, because men had agreed with government on the Reform Bill, they were to surrender the humble privilege of being able to interpret a simple treaty and Act of Parliament. Why, what was the object of reform? They had been repeatedly told, that it was to ensure a more strict attention on the part of the House of Commons to the public expenditure—to give the representatives of the people an efficient control over the public money. And were reformers to be the allies of the noble lord? Were they to manifest their attachment to reform, by an utter disregard of the objects of reform, to promote the means by a sacrifice of the end of reform? The noble lord said, that the ministers were taken by surprise: he denied it. So far back as the 16th of December, he had himself stated his doubts upon the legality of the issue, and recommended ministers to take it into their serious consideration. No payment was to be made until the 5th of January. Nothing could have been more easy than for the noble lord, the Chancellor of the Exchequer, to have come down, stated his doubts upon the letter of the Act, and demanded a new one, to carry into effect our equitable engagement—if such, indeed, existed. After the warning the noble lords had received, to say they were taken by surprise, was acting neither according to the manliness nor the candour which had been ascribed to

them. The question was, if, under the joint authority of the convention and an Act of Parliament, the noble lord, the Chancellor of the Exchequer, was justified in paying the money. As he had before observed, he did not know whether there were or were not any secret engagements, but on the words of the treaty he certainly had no authority of the payment. It was contended by ministers, that, by the spirit of the treaty, if not by the letter, the payment was to continue in every possible case of the separation of Belgium from Holland, excepting one, namely, their severance by external violence. To prove this construction of the treaty, the Solicitor-general referred them to the contemporary speeches of those by whom the treaty had been made. He (Sir Robert Peel) was content to try the spirit of the treaty by this test. On the 26th of May, 1815, Lord Castlereagh stated in that House, that the emperor of Russia was to be relieved from the charge of the Dutch loan, that this country was to bear her share of that charge; "but," said Lord Castlereagh, "only so long as the Netherlands should belong to the House of Orange." And again, in reference to the payment of the Russian debt by us, "it was to be contingent on the preservation of the Low Countries to the House of Orange." So that they not only had the terms of the treaty itself, but the speech of the minister of the Crown who made it, to prove that his construction of that treaty was the right one. "But then," said the Attorney-general, "do not take the construction of the treaty from the English version of it." The English version is too plain, too decisive, against him; it contemplates but too clearly the separation of the two countries, either by "severing," that is, by force, or by "passing away." "Look," said the Attorney-general, to the version of the treaty in French." What, then, are the corresponding terms in the French version? *Soustraire à la domination*—"and these terms apply exclusively," says the Attorney-general, "to a case of separation effected by external force." He denied this doctrine of the Attorney-general. He contended, that those terms *soustraire à la domination*, included a separation effected by revolt, as well as a separation effected by foreign armies. He held in his hand a volume lately published by the Dutch government, which contained authentic copies of all the late protocols and diplomatic correspondence relating to the separation of Belgium from Holland. In one of these documents the Dutch minister is speaking of the separation of Limburg and Luxemburg from Holland—a separation about to be effected not by foreign arms, but by negotiation following on civil contest. What are the terms in French made use of by the Dutch minister to describe the result of such negotiation? He says the effect of it will be "*de les soustraire à l'autorité légitime*." The words clearly used by this minister to express separation by consent and treaty, are the very words which the Attorney-general says can only apply to a separation by foreign arms. All the learned gentlemen opposite, however, pledged their reputation as lawyers, that their construction of the treaty was the correct one. They supported their position by arguments involving doctrines so objectionable, that he must attribute the use of them to a complete blindness as to their bearings. The first of these arguments was, that we had been parties to the separation, and were, therefore, not entitled to profit by our own act. To relieve themselves from a blunder, hon. gentlemen were eager to charge themselves with a crime. The Attorney-general said, that the separation of the Netherlands from Holland had been effected by the procurement of England. What! with all our doctrines of non-interference—with all our desire to maintain the power and dignity of the king of the Netherlands—had we, then, been main agents and instruments in diminishing them? And had the Netherlands been actually lost to that sovereign through the procurement of England? He should be sorry if ministers really had such a defence; but he was ready to deny that they were parties to the separation, in any sense which continued this pecuniary obligation upon the country. So far from our being parties to the separation, the prime minister of England had positively denied that we had any thing to do with it. On the first day of the session, Earl Grey was reported to have said, "The noble earl had said, that the king of the Netherlands was reduced to narrow limits, and had been deprived of his provinces. But had the present ministers done this? Was it not done before they came into office? And had not the noble duke who was at the head of the late administration openly declared that the two countries were so separated that he looked upon the reunion of them as impossible?" The present ministers, then,

were in no way responsible for the separation. Were the late ministers more responsible? So far from it, our original interference was at the express demand of the court of Holland. If we had been fomenting intrigues in the Netherlands to induce them to declare themselves separated from Holland, we ought not to have profited by our own wrong and injustice; and we should not have been relieved from our obligations. But if treaties entered into at the same time did impose upon us, in certain cases, the duty of meeting our allies and conferring on a difficult state of affairs, it would be monstrous, because we had fulfilled the conditions of those treaties, and done all we could to diminish the evils of separation, that we should be made answerable for that event. The very first protocol of the 4th September begins by setting forth that the king of the Netherlands invites the powers who were parties to the treaty of Paris, to consult with him on the best means of terminating the struggles which had broken out in his dominions. The very protocol, too, which determines the separation of Holland from Belgium, expressly speaks of it as having been caused by events over which we had no control. In fact, as had been justly observed by an hon. and learned gentleman (Mr. Pollock), Russia was as much a party to the separation as we were. How, then, continue responsible to Russia? Another argument urged by the other side—most dangerous in its consequences, and still more extraordinary in its principle—was, that in whatever way the severance of the Netherlands from Holland might take place, except by actual foreign attack, our obligations to pay this debt would still continue. Now, supposing the case that France had maintained a powerful party in the Netherlands, and had, by fomenting intrigues, induced Belgium to declare for an alliance and connection with France—there would then have been no necessity for actual aggression on the part of France, in order to her gaining Belgium from Holland; and yet, “even then,” said the ministers, “our obligations would have continued; for the separation would not have been effected by external violence.” Suppose, upon the Belgians electing the Duke de Nemours for their ruler, he had taken possession of the throne of Belgium without marching a single French soldier into that territory—why, even then, according to the doctrine of the ministers, England would continue bound by her engagements. Is it possible that such a doctrine can be maintained? First, we are to be at an enormous expense in repairing and maintaining fortifications for the express purpose of protecting from France the united kingdom of Belgium and Holland; and when Belgium shall have been re-annexed to France, we are not only to lose the money expended on the fortifications; but we are to continue payments which we only undertook to pay on the express condition that Belgium should not be re-annexed to France, but continue united with Holland. The whole case, from the beginning to the end, was too clear to admit of any doubt. Look, then, at the resolutions moved by his right hon. friend. The first and second resolutions were a mere recital of facts—a quotation from the terms of an Act of Parliament and a convention, which no one could dispute. The third resolution was called a vote of censure by the noble lord opposite; but, in point of fact, it only implied so much of censure as was necessary to vindicate the authority of this House. He would appeal to hon. gentlemen opposite, as logicians, to say, whether their logic would permit them to take the course recommended by the noble lord? They were to admit the two first propositions, and then deny the conclusion drawn from them. Said the noble lord, “Although I admit your major, and do not object to your minor, yet I must object to the conclusion legitimately to be drawn from them. Nay, I must affirm the reverse.” According to the noble lord, the House was to negative the third resolution, and so affirm that it is in conformity with the Act of Parliament to continue these payments. He hoped that those gentlemen who were the warmest advocates of reform would claim, on this occasion, the privilege of judging for themselves whether or no the authority of parliament was to be vindicated. The arguments for reform he had yet heard urged, had not appeared to him extremely cogent; but if the noble lord opposite carried his amendment—if he could persuade the House to adopt any thing so contrary to the truth—to the plain manifest truth—the conduct of those who voted for him would supply an argument for reform much more powerful than any which their reason or ingenuity had yet discovered.

Mr. Paget then moved that the debate be adjourned until Tuesday, in order to

afford time for such a due investigation as the great importance of the question demanded.

Lord Althorpe hoped the hon. member would not persist in his motion. It was unusual, in cases of censure on the conduct of ministers, for the House to adjourn without coming to a decision; and even if it were not the usual practice, he would, now that the debate was brought to a close, beseech hon. members not to separate without coming to a decision.

Mr. Paget had no other object in view than the public service, and would not, contrary to the sense of the House, persist in his motion.

The House divided on the previous question, viz., that the resolution be now put; Ayes, 219; Noes, 239—majority for Ministers, 20.

The previous question was also put on the second resolution, and it passed in the negative without a division.

The House again divided on the third resolution: Ayes, 214; Noes, 238—majority for Ministers, 24.

PARLIAMENTARY REFORM.

JANUARY 27, 1832.

Lord John Russell moved the Order of the day for the House to resolve itself into a committee on the Parliamentary Reform Bill for England.

The Chairman (Mr. Bernal) proceeded to read the 14th clause, viz.—“And be it enacted, that each of the counties enumerated in the schedule marked F to this Act annexed, shall be divided into two divisions, which divisions shall be settled and described by an Act to be passed for that purpose in this present parliament, which Act, when passed, shall be deemed and taken to be part of this Act, as fully and effectually as if the same were incorporated herewith, and that in all future parliaments there shall be ‘four’ knights of the shire, instead of two, to serve for each division of the said counties; (that is to say) ‘two’ knights of the shire for each division of the said counties; and that such knights shall be chosen in the same manner and by the same classes and descriptions of voters, and in respect of the same several rights of voting, as if each of the said divisions were a separate county; and that the court for the election of knights of the shire for each division of the said counties, shall be holden at the place to be named for that purpose in the Act so to be passed as aforesaid, for settling and describing the divisions of the said counties.”

SIR ROBERT PEEL wished to offer a suggestion to the noble lord which he thought would be an improvement in the bill. He had supported the clause for the division of counties last year, and should give the same vote this year, if the right of voting in counties and in boroughs were to remain as at present constituted by the bill. But he thought that the right of voting itself might be simplified. He suggested that every right of voting accruing from freehold property situated in boroughs and cities should be exercised within such borough or city, and not be extended to the county. Preserving that right of voting, he would then maintain the integrity of the counties, giving the larger ones four members. His proposition would simplify the bill. He would, of course, permit freeholders of such towns as had not a right to send members to parliament to continue to vote for the county. On this ground, he entreated the noble lord to consider whether the plan he proposed would not obviate many difficulties, and prevent much dispute. He would state some of the complicated questions which might arise under the bill. He would suppose that he was possessed of a freehold garden within a borough, of £5 a year value. That would give him a vote for the county within which that borough was situated, but no vote for the borough. Suppose he built a house in the garden, and inhabited it himself, and that the value of the two united might be about £10 per annum; a barrister for the county might say it was worth more than £10, and reject his vote for the county; while a barrister for the town might say it was worth less than £10, and not allow him to vote at the borough election. He would then be deprived of voting both for the county and borough. The next year the question might be agitated again, and the barristers might alter their opinion, and he should have a vote both for the county and

the borough. If he subsequently let his house to one person and his garden to another, his tenant might lose a vote for the borough, and he himself might have a vote for the county. Or, suppose that he made his house in the town worth £10, and let it, the tenant would have a vote for the borough, and the landlord would have a second for the county, on account of the garden. All these complicated rights would be avoided by requiring that the right of voting accruing from property of any description situate within a city or borough, should be exercised at the election for that city or borough, and not for the county—that is to say, the owner of a 40s. freehold in the town of Warwick, should vote for the town and not for the county of Warwick. He knew that objections might be made to the plan—that it would be argued against as calculated to draw a marked line of distinction between the town and county interests. He did not assert that this objection was wholly without force, but he did not think it was by any means conclusive. The freeholders of the towns not returning members to parliament would exercise a great influence over county elections, and maintain the connection between town and county interests. But in the case of the large towns now about to acquire a new right of sending members to parliament, he saw no reason why those towns should also influence, and perhaps determine, the county election by pouring in a host of small freeholders. He would, then, supposing these views realised, propose that counties should not be divided; that there should be no interference with counties, except that the larger counties should send four members. He believed that it would give general satisfaction should the counties not be divided, that large counties should possess the power of sending four members to parliament under the bill, and that great towns should be prevented from exercising undue influence in the election for counties. By leaving the right of voting for cities and towns to those who possessed the necessary qualification there, and excluding them from voting on that right for counties, thousands of questions as to the right of voting for one or for the other, which must arise if that plan were not adopted, would be prevented. He made to the noble lord, therefore, a double proposition—namely, that the large counties be not divided, and that the towns possessing representatives of their own should not be allowed to interfere, through the instrumentality of small freeholds, with the county representation. He trusted that the noble lord would receive the suggestion in the same spirit in which it was offered, and that due consideration would be given to its value.

Subsequently, the committee divided on the clause: Ayes, 215; Noes, 89—majority, 126.

BREACH OF PRIVILEGE.

JANUARY 31, 1832.

Mr. Perceval rose for the purpose of calling the attention of the House to a breach of one of its most important privileges. It would be in the recollection of hon. members that on Thursday last, previous to his moving for an address to his Majesty to appoint a day of general fast, he took occasion to enforce the standing order of that House for the exclusion of strangers. On the succeeding morning there appeared in several of the newspapers, a report of the proceedings that had taken place in that House during such exclusion of strangers from the gallery. Under these circumstances, he felt it his duty to bring such a matter under the notice of the House.

The hon. gentleman then complained of the misrepresentations that had been made of the sentiments that had fallen from him on the occasion in question, and concluded by moving that "John Joseph Lawson, the printer of the *Times* newspaper, be ordered to attend at the bar of that House on Thursday next."

Mr. Cresset Pelham seconded the motion.

Mr. Hume and Mr. Warburton acknowledged having furnished the report in question.

SIR ROBERT PEEL said, he spoke under the disadvantage of not having heard the earlier part of the debate; but he believed that the motion, and the only motion, before the House was, that the printer of the publication alluded to should be called

to the bar. He felt great difficulty, and he was sure his hon. friend must also feel great difficulty, in assenting to that proposition, because, since the motion was made, two hon. members had admitted that they were the authors of the report. Under any circumstances, to visit the printer, who was only a subordinate agent in giving publicity to a report, with the censure of the House, was painful; but it would be infinitely more so after the principal agents had avowed themselves. Those agents were members of the House, who, whether right or wrong, declared that they had acted under the impression that they were justified in what they did. That being the case, with what justice could the House proceed against the printer, who had been misled by two of the members of the body whose privileges he had invaded? He trusted, then, that the hon. member for Tiverton would withdraw his motion. The fact of the report being correct or not, or of the hon. members having given it as perfect as in their power, had nothing to do with the breach of privilege, and he trusted that the hon. member for Middlesex would bow to the decision of the chair. With respect to the hon. member for Bridport, who had said that he was not aware of his committing a breach of privilege—

Mr. Warburton: Not any greater breach than was committed on ordinary occasions.

Sir Robert Peel: It was difficult to compare degrees of breaches of privilege, but it was impossible to deny, that this was a breach committed under aggravated circumstances, and, having been committed by an hon. member of the House, it was the more objectionable. Hon. gentlemen could reserve to themselves the right of moving for an alteration of the law, but he doubted not but that they would yield obedience to the law as it stood.

The motion was withdrawn.

LABOUR OF CHILDREN IN FACTORIES.

FEBRUARY 1, 1832.

Mr. Sadler presented a petition from ten thousand operatives of Leeds, chiefly employed in factories, praying the House to adopt some means for limiting the duration of the labour of children employed in these factories.

Mr. Morison observed, that the cotton manufacturers generally paid the utmost attention to the interests and welfare of the young persons employed by them in the manufactories throughout that part of the United Kingdom with which he was particularly connected. There were, he firmly believed, no children under the age of ten years employed in these manufactories; and their education and morals were regularly attended to, and the hours of labour abridged. In some large factories, schoolmasters were retained to instruct them.

SIR ROBERT PEEL was happy to hear, from so good an authority, that the cotton spinners in Scotland paid so strict an attention to the welfare and health of those confided to their charge, and engaged in the factories. He begged the friends of humanity, in this instance, to beware lest, in their anxiety to accomplish too much for the young persons engaged in this species of manufacture, they should fail altogether, and render the interference of the legislature altogether ineffective; or in the alternative, if effective, injuring the poorer classes, by causing them to be thrown out of employment altogether. The hours of labour, as now fixed by law, were eleven hours and a half out of the twenty-four. Whatever might be done by his hon. friend as to lessening the number of hours, he should be very careful to avoid offering a bonus to such speculators as should perceive it was worth their while to transfer their establishments just over the border, so as to avail themselves of the comparative laxity of the law in one place, while they escaped its provisions in another. He believed that there was no doubt, but that, in proportion as the factories were small, they were the more liable to abuse and unkind severity towards the children employed.

The petition was ordered to be printed.

PARLIAMENTARY REFORM.

FEBRUARY 1, 1832.

Lord John Russell moved the Order of the day for the House resolving itself into a committee on the Parliamentary Reform Bill for England.

In reply to Mr. Davies Gilbert, Lord John Russell said, he had two alterations to propose in committee, which were—1st, That as the occupier of a warehouse in Leeds, though resident in London, might vote for that town as the bill at present stood, it was deemed right to put such occupiers on the footing of freemen, and therefore he should propose that, to entitle them to vote, they must reside within seven miles from the town, in respect to occupancy, in which they were to vote. The other amendment was, That as freeholders for life were not to be allowed to vote in the right of any such freehold when of less value than ten pounds a-year, and as the counties of cities had been assimilated to other counties in certain respects, he should move the insertion of words to give equal rights to the voters of all counties of cities.

SIR ROBERT PEEL said, that as the noble lord had now stated it to be the intention of ministers to limit the right of the proprietors of warehouses to vote for any particular place to such only as were resident within seven miles of the spot, he begged to suggest to the noble lord the propriety of limiting, in the like manner, the right of another class of voters. He alluded to the fictitious annuitant freeholders, who were created for electioneering purposes in many counties of cities and towns. It was highly expedient, he thought, that none of this class of voters should be allowed to exercise the elective franchise, except such as were resident within seven miles. He knew of one place in which twenty freeholders had been created out of a freehold of seven acres.

Lord John Russell: It is the intention of ministers to require that the class of voters to whom the right hon. baronet has alluded should be resident within seven miles.

The House then went into committee.

On the following portion of the 20th clause being read,—“Or who shall occupy as tenant, any lands or tenements for which he shall be *bonâ fide* liable to a yearly rent of not less than £ , shall be entitled to vote.”

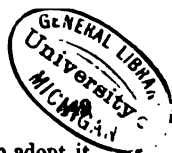
Lord Althorp moved that the blank be filled up with the words “fifty pounds.”

Sir Robert Heron moved, as an amendment, the omission of all the words which proposed to confer the franchise on tenants-at-will, as follows:—“Or who shall occupy as tenants any lands or tenements for which he shall be *bonâ fide* liable to a yearly rent of not less than £50.”

Lord Milton, believing the clause was calculated to mar the general beneficial tendencies of the measure, because it would create one class of voters who, most undoubtedly, would depend upon another, would vote for the amendment proposed by the right hon. baronet.

Sir Robert Peel was confirmed by the noble lord's statement, in his opinion of the excellence of the present clause; for he was sure that if any valid objections to it could be adduced, they would have been urged by the noble lord. In his opinion, however, the noble lord had utterly failed to make out a case for the amendment. The noble lord said, that the effect of the clause would be, to convert the present usual leasehold tenures of land into tenures held by the will of the landlord; and, by such means, invest him with an undue influence in the election of county representatives. The noble lord had cited, as a case in point, the breaking up of farms in Ireland into nominal 40s. freeholds, the owners of which were deprived of all freedom of voice at the hustings. In reply to this argument, he would beg to ask the noble lord, whether it was to be credited that a gentleman possessing an estate, say, of £600 a-year, let out to six solvent tenants, would divide that estate among twelve £50 tenants-at-will, in order to have an influence over six additional voters? To enable him to have which, he must build six new farm-houses, with all the out-buildings necessary. As to the Irish 40s. freeholds, all he could say was, abuses of equal magnitude might and would exist under every form of tenure, so long as landlords violated the best feelings of humanity for their own sordid purposes. The noble lord said, that the principle of the clause was opposed to that of the bill. He

PARLIAMENTARY REFORM.



denied the statement; and would, on the contrary, maintain, that not to adopt it would be acting in opposition, not only to the principle of the bill, but to the dictates of common sense and consistency. The bill would create a numerous class of electors in towns, by the £10 household clause; and surely it could not be said that the £10 voters would be more respectable and independent, and better entitled to a voice in the election of their representatives, than the £50 tenant-at-will farmers. Independent of this consideration, however, he was surprised that the noble lord had overlooked the fact, that many of this class of persons would, by the bill of last session, have had votes in the boroughs which were to have certain districts attached to them, in order to make up 300 £10 householders. Any tenant-at-will occupying a £10 house in such district, would, of course, have been entitled to a vote. He would not argue the clause upon consistency, but whether the principles contained in it were consonant to common sense and reason. He wished he had the power to compare the amount of fiscal burthens borne by the landed occupier, to those borne by the £10 householder. Such a return would most assuredly set the question at rest as to which of them had the best right of voting, if property contributions to the state, and intelligence, constituted the foundations on which the franchise was to rest. For these reasons he had given his consent to the proposition of his noble friend (the Marquis of Chandos), and he begged to thank the noble lord opposite (Lord Althorp) for the handsome manner in which he had acceded to the wishes of the House.

The committee divided on the amendment; Ayes, 32; Noes, 272; Majority, 240.

On the 24th clause being read:—"And be it enacted, that notwithstanding any thing hereinbefore contained, no person shall be entitled to vote in the election of a knight or knights of the shire to serve in any future parliament in respect of his estate or interest as a freeholder in any house, warehouse, counting-house, or shop occupied by himself, or in any land occupied by himself, together with any house, warehouse, counting-house, or shop, if, by reason of the occupation thereof respectively, he might acquire a right to vote in the election of a member or members for any city or borough, whether he shall or shall not have actually acquired the right to vote for such city or borough in respect thereof."

Mr. Praed moved as an amendment, that all the words be omitted after the words "to serve in any future parliament," for the purpose of inserting words to the effect, "that no title to vote for the election of a knight of the shire should be conferred by any property situate within the limits of a borough, which should, by the provisions of this bill, or otherwise, return a member or members to serve in parliament; and that every man seized of freehold lands and tenements of the clear yearly value to him of 40s. above all rents and charges, situate within the limits of a borough returning a member or members to parliament, should have the right to vote in the election of members for such borough."

Colonel Davis supported the amendment.

SIR ROBERT PEEL said, he would support the amendment if it were only because it simplified the right of voting, and would prevent boroughs from interfering in and influencing the returns for counties. He wished that whoever had a right of voting for property situated in a town or borough, should exercise his franchise in such town or borough, and let a similar right be exercised by county voters for the counties only. The hon. member for Middlesex expressed a great alarm that the amendment was wholly to exclude town voters from voting in the county; and it appeared as if that very alarm had taken away his power of reasoning upon this subject. If the hon. member had read the clauses which regulated the right of voting, he would have found that they took away all right of voting for counties, for all freeholds situated in towns, except those under £10 value, and the non-resident freeholders. Oh, but the hon. member, though a county representative, never deigned to ask the yeomen, the country gentlemen, or squires, for their votes; no, no, he depended upon the town voters, and was exactly "the great sublime" he drew of a county representative. On the other hand, however, those gentlemen who sat on the opposition side of the House, considered the hon. member to be rather a mockery of a county representative; and, therefore, they objected to deluging the counties with town constituencies. The simple argument used by the noble lord (Lord John Russell), in justification of the clause as it now stood, was, it would

prevent the severance of the agricultural and manufacturing interests, and that by blending them both together they would be consulting the interests of all. But that was a proposition to which he could not accede; for it was directly opposed to the common sense and justice of the case, as well as to the view of it which had been so often stated by the noble lord the Chancellor of the Exchequer. He must say, in illustration of his views upon this point, as well as in support of the amendment of his hon. and learned friend (Mr. Praed), give to the man of property in Leeds a right of voting for Leeds; but do not, by way of a most extraordinary amalgamation, give him also a right of voting for the county of York. The neat and clear speech just now made by his hon. and learned friend (Sir. E. Sugden) left him indeed nothing to add; and he would not weaken its force by any further observations.

After some remarks from Sir George Clerk and the Lord Advocate, in which the latter denied that he should be guilty of any inconsistency in voting for this clause of the English Reform Bill, and voting for confining the town voters in Scotland to the towns—because at present the borough voters in Scotland had no right to vote for county members, while the freeholders in the English boroughs always possessed that right.

Sir Robert Peel thought, from the observations which he had just heard, that there was a sort of compromise in this affair, and that the learned Lord Advocate was only shadowing out the image of what the new representation in Scotland would be when the new Reform Bill should become the law of the land.

The House divided on the amendment—Ayes, 90; Noes, 181; Majority, 91.

FEBRUARY 2, 1832.

The House resolved itself into a Committee.

On the 27th clause being read, which enacts that the right of voting in boroughs shall be enjoyed by occupiers of houses, &c., of the annual value of £10,

Mr. Hunt proposed as an amendment, "That all householders paying taxes shall have a vote for the respective members to be chosen in the next, and in every succeeding parliament."

Mr. Cutlar Fergusson, in opposing the amendment, thought that ministers, in giving the vote to £10 householders, had gone as low in the qualification as they ought to go.

SIR ROBERT PEELE said, the learned gentleman who spoke last had observed, that he could not assent to any proposal for altering the £10 qualification by the substitution of another amount of annual value in lieu of £10; and possibly, if there was any necessity for fixing a specific qualification, to be indiscriminately and universally applied, he might agree with him. But he must deny that any sufficient reasons had been alleged for adopting the £10 qualification as the rule without exception for every town and borough. His great objection to this qualification was, that it was applied to every place in the United Kingdom, no matter what the size, wealth, or population of that place. It was quite a mistake to say that this would produce uniformity of voting; for the class which paid £10 rent in one place, was very different from the class which paid the same amount of rent in another. He was prepared to place the qualification below £10 in several towns and boroughs; and he had felt some surprise that the noble lord did not retain the scot-and-lot franchise in all the old boroughs that were to retain their franchise, in which he found the scot-and-lot right in existence. The objection to this was, that the scot-and-lot franchise was more liable to abuse, in consequence of the poverty of many of those by whom it was exercised. He would venture to say, however, that there was scarcely any place in which the scot-and-lot voters would not be found as respectable and as independent as the £10 rent-payers in very large manufacturing towns. The objection arising from poverty applied with at least equal force to the latter class of voters. When it was considered that a class of persons were to be admitted to the franchise who had no fixed habitations, as they might shift them several times in the course of a twelvemonth, who were not trusted by their landlords for more than a weekly payment of rent, it would be seen that the £10 qualification was no test of respectability. By retaining the scot-and-lot voters, more variety would have been given to the franchise, and a link of connection preserved

between the representative body and that class of householders which paid the smallest amount of rent. Acting under this opinion, he would certainly have preferred the raising of the qualification above £10 in the largest towns, and adopting in the smaller a course somewhat similar to that adopted by the noble lord with respect to freemen of corporations, by giving a right of voting to all householders who pay rates. He repeated, that by this plan they would have secured an equally independent class of voters, and, at the same time, preserved the link which unites the poor voter with his richer neighbour. He could assure the noble lord that this class of men were all above poverty, and, in small towns, were capable of exercising their right with discretion and independence. With respect to the large towns now about to be enfranchised for the first time, he was not at that time prepared to say that £10, £15, or £20, or any other given amount, would be the proper and just qualification; but he must declare, without wishing to introduce into the consideration of this question any topics connected with the general principle of reform, that he bitterly lamented that the government did not take more time than six weeks to consider the details of their measure. After the ministers had come to the determination to introduce a reform as extensive as this, six months might have been fairly required by them for the purpose of maturely considering the details of that reform, and the various classes of constituency to be established under the system. Take the case of Manchester, Birmingham, or Leeds, which are to be enfranchised. The constituent body of those towns ought certainly to be so numerous as to ensure a popular right of election, far out of the reach of any individual control: but it ought also to be formed on such principles as to ensure the just weight of intelligence, character, and property combined. The true interest of those great societies would not be consulted by turbulent elections and return of reckless demagogues. He did not see any impossibility in carrying into effect the suggestion thrown out by the hon. member for Thetford last night, that they should take 3000 or 4000 of the highest-rated persons in a large town, and give them the right of voting. The question would be, whether by such a proceeding they would not establish an independent system of representation, free from abuse, and ensuring to the intelligence, knowledge, and respectability of the town their just influence. He saw no reason why this suggestion should not be adopted in cases wherein the legislature was about to confer new privileges, and might, therefore, proceed on what principle it pleased. He wanted no restriction on the right of voting in such places as Manchester and Birmingham, save that which might be necessary to prevent the predominance of numbers over property—and of popular passion over the deliberate judgment of the educated and reflecting classes. The relations of those towns to the community at large were very important—their interests were very varied and very complicated; and he was satisfied that those relations would not be comprehended, and those interests would not be promoted, by the triumph of demagogues. He could not then say what was the precise amount of qualification which should have been fixed for the great manufacturing towns; but of this he was assured, that the right of representation would be a curse instead of a benefit to those towns, if that right did not ensure to property and intelligence their just influence in the return of members. Entertaining these opinions on the principle, he had strong objections to the manner in which it was proposed to determine the value of the property that was to confer a vote. A house and land, paying together £10 rent, was hereafter to give to the person occupying it a right of voting. He much feared that serious evils would arise from this. It held out to landlords an inducement to take away land from the poor occupier who now held it, and to add it to a £5 house, for the purpose of bringing the rent of the house and land together up to £10. Its tendency was to create a petty oligarchy in every town more offensive than that which they superseded. He was confident, indeed, that the difficulty of determining the value, and ascertaining the qualification, in practice would be so great as would lead to the necessity of reconsidering that part of the bill. He would give them an instance of that difficulty out of many he possessed, from the borough with which he was best acquainted. His Majesty's government had wished to ascertain the number of houses of the value of £10 annual rent, within the limits of the borough of Tamworth. Two persons were selected to procure the necessary information, the town-clerk and

the churchwarden—men in every respect well qualified for such a task, and possessing all requisite industry and information. The return was made. The town-clerk stated, there were 202 houses rated at £10, and the churchwarden returned 325, and these conflicting returns were made for a borough containing only 729 inhabited houses. Ample time was given to make the return, and he believed it was as complete as it could be made; but the difference arose from the town-clerk taking the poor-rates as his guide, and the churchwarden taking the church-rates. Now, he would just ask the House to consider the condition of a stranger going down for two or three days to one of these boroughs, to make a return of the number of houses valued at £10. What was the prospect that this judgment could be relied upon, when men so intimately acquainted with the localities presented such discrepancies in their statements? He would give them another case, which occurred a fortnight ago in a southern county, without the parties having the slightest conception that it would ever be appealed to as an argument in a question of reform:—A doubt arose whether a party had gained a settlement by occupying a house of the value of £10. Two days were occupied in the hearing. Fourteen magistrates were on the bench. Elaborate speeches were made on both sides, and at the conclusion the magistrates divided: seven of the fourteen were of opinion that the house was of the value of £10, and seven were equally satisfied that it was not. Now, if it were so difficult to decide on a disputed question of value, in a case wherein there was so little either of interest, or passion, or party feeling, to disturb the judgment, what must be the obstacles to be surmounted in an enquiry before a stranger, in cases wherein so many and such powerful personal feelings and interests would be brought into collision? He apprehended that he did not exaggerate much, when he said that the expense, and the delay, and the difficulty, would form a serious obstacle to the working of the bill; and he regretted much that the noble lord and its framers had not looked a little more closely at the qualification in the jury bill, which was of a much simpler character. The juryman was qualified either by the occupation of a house rated at £20 to the poor-rate, or of a house having fifteen windows. The expense of procuring evidence to ascertain the value of £10 houses would be great in all disputed cases. Supposing a person, resident in London, who had a vote in Cornwall in right of a house of the description in question, were compelled to prove his right, to how much inconvenience, and to how much expense, might he not be put? The witnesses were to have a viaticum, and, as he understood, graduated according to their condition in life. These expenses were to be of constant recurrence. They must be defrayed every year, and by whom? By the party claiming a right to vote? No! but by the whole community, and the unfortunate scot-and-lot voters who were deprived of the franchise, would have to pay the expenses of those on whom it was conferred. He implored the House to pause before they burthened the poor-rates with such a charge as this, and to endeavour to ascertain whether a more simple test might not be devised for ascertaining the qualification.

Later in the evening, in reply to Lord John Russell,—Sir Robert Peel referred to clause 55, page 28, and objected to the provision which made all the expense incurred by overseers in every parish in making out lists fall on the fund collected for the relief of the poor; and that of the returning-officers of cities, boroughs, &c., was to be defrayed by the treasurer of the county. In the latter case it was not, indeed, called poor-rates, but it was, in fact, the same fund. The amount of these joint demands would be very large, and the evil would be increased, from the payers not having a due control over these expenses.

The committee then divided on the amendment: Ayes, 11; Noes, 290—majority, 279.

FEBRUARY 3, 1832.

The House having gone into Committee on the Parliamentary Reform Bill for England, and the chairman having read the commencement of the 27th clause (the £10 clause),—

Mr. Evelyn Denison proposed his amendment, the consideration of which had been postponed last night,—that all the words after the words “city or borough,”

should be omitted, for the purpose of inserting the following words—"any premises answering the description hereinafter to be mentioned."

The amendment having been put,

Lord John Russell did not see how he could possibly admit the proposition made by the hon. gentleman. The argument urged by the hon. member was, that when the value of a house was once fixed, there would be no further necessity to look to it; and that the franchise would rest upon the house itself, and not upon the occupier. But the same rule would hold good with the plan proposed by the bill; for when once a House was put into the registry as being of the value of £10, any future occupier would generally be admitted to vote for it without further enquiry. When the registry was completed, therefore, there would be little trouble in keeping it up, and they had an example that the principle would work well. At Norwich there had been disputes of long standing relative to the poor-rates, and an act had been brought in to enable persons holding houses or lands and tenements of the value of £10 to vote for guardians of the poor. This bill was revived and amended in 1827, and the qualification was almost exactly that proposed by this bill. This had been found to act well, though the community of Norwich consisted of 11,000 occupiers, amongst which there were 4,000 houses of £10 value.

SIR ROBERT PEEL doubted much whether the Norwich act would strengthen the noble lord's (John Russell's) argument, for that act laid down strict rules as to the valuation of property, and enacted that the corporation or the guardians of the poor should assess the rate according to the full annual value of the property within the city, and according to five-sixths of the value of the property in the adjoining hamlets. Of course, this full value having been ascertained, it must be easy, so far as Norwich was concerned, to decide on the qualification of voters. If this change were to be made at all, he still retained his opinion that the poor-rate would be the best criterion of the value of premises. Even with respect to the county rates, the directions of the statute were, that the full value of all rateable property should be ascertained, and the assessment to the county rate made accordingly. Now, if there were to be two modes of ascertaining value—one according to the County Rate Act, and another under the Reform Bill, great confusion would ensue. Surely it was absurd for the legislature to require two different modes of ascertaining the value of the same property. In his opinion means should be adopted for ascertaining the value of property in all those towns that were to return members, and the rates should be levied, and the qualification for voting ascertained, on that full value. Thus should we be enabled to dispense with the annual registration—a fruitful source of annual contention and discord—or at any rate we might make registration (after it had once taken place) available for a period of three or five years, making some provision by which property that had increased in value in the interim, should entitle its owner to a vote.

Lord John Russell would have been inclined to abide by the poor-rates as a measure of value, but that, from all the information he had received, he felt convinced that the assessments were so irregular in different parishes, that it would not be possible to have recourse to them with effect. He had known instances of houses in different parishes of the worth of £30 or £40 a-year, not rated in the proportion of three to four, but in one case at three, and the other at fifteen. The committee might, no doubt, adopt the simple rule recommended by the right hon. baronet for ascertaining value; but its effect would be, by raising the present standard of qualification, to disfranchise a great number of persons to whom the government meant honestly to give the franchise.

Sir Robert Peel said, the noble lord might easily get a cheer if he held out the lure that the effect of the proposal mentioned by him would be to disfranchise a great many persons. His proposition, however, had no reference to excluding any one; it only went to secure what was just and fair, for if those who were not qualified were allowed to vote, it would be defrauding those who were justly entitled to the franchise. If there were cases such as the noble lord alluded to, of houses not being rated in the proportion of three-fourths of real value, but the proportion of three-fifteenths, they were cases of fraud and injustice. He did not believe that such instances were numerous, and the noble lord was thus legislating on cases which constituted not the rule but the exception. He was convinced by the arguments on

the other side, that there was nothing to be urged against his proposition. As to those arguments, he was not surprised that some gentlemen should make use of them; but that the hon. member, Mr. Warburton, a mathematician, should resort to them, somewhat astonished him. The hon. gentleman said, that if the suggestion were adopted, the parishes would be rated at their full value, instead of, as at present, at three-fifths, or whatever the proportion might be. And he complained of this as a great grievance. But pray, what difference would that make? If there were £100 to be raised, each parishioner would have to pay the same amount of rate, whether rated at the full value, or only at three-fifths, so long as the same rule of rating prevailed—as it must prevail—throughout the whole parish. He knew something about this matter, for he met with the same difficulty when he introduced the New Police Act. He then wanted to raise 8d. in the £1 on the real value of property, but he did not for that reason require that a new valuation should be made: though some parishes assessed themselves on the full value, others at three-fourths and four-fifths. Let the House look at what the legislature declared in 1825. In that year, parliament passed an act placing on record the difficulty of taking the alleged value of a tenement as a criterion in determining the right of settlement; alleging in the preamble, that it had given rise to expensive litigation, and ought therefore to be avoided. It was that very expensive litigation he was anxious to counteract; and he repeated, that to have two criteria of value in the same parish with respect to the same identical property, appeared to him a great absurdity; and, so far from preventing dissension, was likely to produce it. He did not make his proposition with the intention of disfranchising one single person; but because it would be the means of avoiding much dispute and expensive litigation.

The amendment was negatived without a division.

FINANCE—DEFICIENCY IN THE REVENUE.

FEBRUARY 6, 1832.

Mr. Goulburn, having introduced the subject of the deficiency in the Revenue, closed a long and very eloquent speech by requesting such information as would relieve the apprehensions of the country as to the mode in which the financial affairs of the empire were likely to be managed.

Lord Althorp having replied in explanation, a long and animated discussion ensued, towards the close of which,—

SIR ROBERT PEELE said, that in the few observations he proposed to address to the House, he should confine himself to the statement of the noble lord, and to the present financial prospects of the country, and should not be diverted into extraneous topics by the excursive speeches of the two right hon. gentlemen opposite—the member for Limerick and the vice-president of the Board of Trade. In the present state of the country, the public would not be satisfied with mere party squabbles and recriminations. The right hon. member for Limerick (Mr. Spring Rice) had done justice to the efforts of the late government, and, with a degree of moderation highly creditable to him, had justly attributed the inability of the present government to make further reductions, to the retrenchments effected by the last. It was no imputation upon the present government that the saving of public expenditure was limited in extent, since the work of economy had been almost completed by their predecessors. But such a vindication was a complete answer to all the reiterated and groundless accusations of extravagance, and want of sympathy with the sufferings of the people, which had been directed against the government of the Duke of Wellington. The right hon. gentleman spoke of the difficulty of making immediate reductions, and said, “only give us time.” He (Sir R. Peel) claimed the same indulgence for the Duke of Wellington’s government, which, though it might talk less about economy, was at least as anxious to save the public money as the present government. If time had been given to the late ministers, reductions would have been progressively made; they did not contemplate the possibility of making all reductions at once, because, in the reform of expenditure, as well as in other reforms, their opinion was, that the progress, to be safe, ought to be gradual. It was certainly to be regretted, now that

it was admitted that the last ministry had done so much that their successors could do nothing more, that unjust accusations, founded upon a supposed want of economy and sympathy with public feeling, should have been used to inflame the public mind against a House of Commons which had shown that it was not inattentive to its duties, and not unwilling to relieve the public burthens. One of the main arguments for re-modelling the representative system of this country, was founded on the assumption that the House of Commons, as at present constituted, was disposed, from corrupt motives, to favour a lavish expenditure of the public money. The speech, however, of the right hon. gentleman was a complete answer to all the charges against the House of Commons; for he had shown that the late House of Commons was so watchful over the public expenditure, that he and his friends were unable to make further reduction to any considerable amount, in consequence of so much having previously been done. The right hon. gentleman was pleased to indulge in some observations relative to the opposition that the present government had had to contend with; and had alluded to the supposed abandonment of the doctrines of free trade by some hon. members on that (the opposition) side of the House. The right hon. gentleman referred particularly to the debate on the glove-trade. But that debate, from the division on which he was absent, had nothing whatever to do with the question of free trade. If, therefore, the right hon. gentleman affirmed, that the mere act of not voting on that division implied an abandonment of any opinions on the commercial policy which this country should pursue, he must decidedly deny the justness of such an inference. The motion was not brought forward with a view to impede the government. It was submitted to the House by the hon. member for Worcester, who, on most occasions, supported the government; it was supported by the hon. member for Middlesex, who went further in his advocacy of the doctrines of free trade than any member of the House, and who declared, that he supported the motion for enquiry of the hon. member for Worcester because he was an advocate of those doctrines. It was too much, then, for the right hon. gentleman to stand up in his place, and declare that the subject was brought forward to shake the government, and to throw reflections on the conduct of ministers. He did not mean to say, that the appointment of the committee would have conferred any great benefit on the persons engaged in the glove trade; but he contended that hon. members might and did support the motion for the appointment of that committee, without any other object than to ascertain the truth by enquiry. He never thought that the hon. gentleman who brought forward the motion, did it with a view to get the opinion of the House as to our general commercial policy; and he thought nothing could be more absurd than the position—that no enquiry as to the effect of commercial regulations ought to be made, for fear that the enquiry should imply a doubt as to the wisdom of its regulations. In many cases enquiry, by removing erroneous impressions, and by establishing important truths, unknown to the labouring classes, might be the surest, nay, the only method of giving stability to a wise, but unpopular enactment. But whatever triumph the right hon. gentleman thought he had gained by his attack on his opponents, he might enjoy the full benefit of it, for no person would, he believed, enter further into the subject. He, at least, would not be led away by a matter altogether alien to the question before the House, but would proceed to make a few observations on the general finances of the country. Leaving such mere matters of party recrimination, he would take for his text the very fair and candid statement of the noble lord. That noble lord at once allowed, that, in his former statement, he had made a mistake to the amount of £350,000 in his calculation, which arose from his neglecting to consider the reduction of the duties on beer. The frankness of the noble lord completely disarmed hostility, and all that was left to the House was, to hope, with the vice-president of the Board of Trade, that the accuracy of the present year would, like the revenue, compensate for the deficiency of the last. The noble lord admitted that in his precipitate statement in October he was mistaken, both with regard to the past and the future; but the real charge against the noble lord was, not his casual inaccuracies, but that, having discovered the mistake, the noble lord had not openly acknowledged it at an earlier period. For the delay the noble lord had not sufficiently accounted, neither had he given any reason for not having laid upon the table the estimates for the year, in conformity with a resolution of the House. The noble lord stated the deficiency

in the year 1831 to be nearly £700,000; but he, at the same time, expressed a confident belief, that this would not be the case at the approach of the ensuing year. The noble lord admitted that in October he was mistaken, both as regards the past and the future, and that he had entirely left out of the account that a duty which he had calculated would produce £360,000 had been altogether abolished. He wished not to introduce any asperity into the present discussion, but, at the same time, he must express his regret, that sufficient care had not been taken to avoid such very palpable mistakes. The noble lord said, that he fell into this mistake in consequence of erroneous information received from official quarters. Every one who knew any thing of human nature would give credit to the noble lord for the candour of his admission; but he must repeat, that it would have been more consistent with candour if the noble lord had not postponed the admission until the document moved for by his right hon. friend, which first exposed the error, had been laid upon the table. To him it was a matter of surprise, that there was no allusion whatever in the king's speech to this deficiency in the revenue, and that the attention of this House was not directed by the ministers of the Crown to the financial affairs of the country. The noble lord had not shown why the statement relative to the finances of the country for the ensuing year had not been laid on the table of the House; and, considering that there was such a deficiency in the revenue, it was of the highest importance that this statement should be laid before the House with the least possible delay. It was perfectly clear that there was a deficiency last year of £698,000; and it was equally clear, that if this continued to exist, the finances of the country must be in a most lamentable condition. The noble lord, however, calculated that there were several charges on the revenue of the last year which would not be chargeable for the future. He would go over the items of the noble lord's calculation, and, as he must review them from memory, if he made any error, the noble lord would correct him. The noble lord said, that there was a charge of £200,000 as the drawback upon printed cottons, and £155,000 for bounties on linen manufacture—charges in the present year which would not be made for the future. Again, there is £157,000 as the wine duty on the stock on hand to be received. The noble lord calculated that, from the alteration in the malt duty, £300,000 would be obtained; and that this year there would be a gain of £375,000 from the tax on cotton wool, calculating the amount of the importation to be the same as in the last year. To these sources we must add the estimate of £150,000 as the increase of duty on foreign wines; the aggregate of all these sums would be £1,337,000. That will be the increase the noble lord calculated on the receipts of this year. The noble lord, however, had to deduct from this increase £698,000, being the amount of the deficiency. The noble lord then assumed that the loss from the repeal of the duties on candles would amount to £400,000, though the noble lord would have been nearer the mark had he taken this loss at £500,000 instead of £400,000. The noble lord added to this £75,000 in respect of the duties on coals. Thus there was £1,173,000 to be deducted from the £1,337,000, leaving the sum of £164,000 for a surplus revenue. That was the financial prospect for the year. The noble lord, by his mode of calculation, made out, that at the commencement of the next year we should have a surplus revenue of £164,000, which was certainly more satisfactory than that there should be a deficiency of revenue to the amount of £700,000. But to have a surplus revenue of only £164,000, considering the present state of Europe—considering the situation of some parts of this country, which might compel increased military expenditure—to have a surplus revenue of only £164,000 appeared to him most melancholy, even supposing all the anticipations of the noble lord to be realized. The noble lord might regard these prospects with complacency, but he could only look upon them with alarm; and that alarm had not been diminished by the principles laid down by two right hon. gentlemen opposite, on the subject of the deficiency of revenue. Indeed, the principles were more alarming than even the deficiency itself. If he thought that those principles were upheld by the noble lord at the head of the office to which one of those right hon. gentlemen belonged, he should be filled, and almost every thinking man in the country would be filled, with the greatest apprehension. The noble lord said, that he regretted the deficiency in the revenue, and that he should be most anxious that such deficiency did not occur at the end of the present year. But immediately after the noble lord had expressed

this regret and anxiety, the right hon. gentleman, the secretary for the treasury, declared, that even if he could have foreseen this deficiency, he should have felt satisfied that a reduction of taxes ought to have been made. His doctrine would not only apply to the present case, but to every tax that could be repealed; and was the right hon. gentleman ready to assert, that whatever deficiency might occur in the revenue, taxes ought to be repealed? Was the regard due to the public faith to be forgotten? Was the House to forget the public creditor and its bond, that the interest of the debt should be duly paid? The doctrine of the right hon. gentleman—that a tax ought to be repealed because it would be a relief to the people, without reference to the obligations for the fulfilment of which that tax was a security—was a most dangerous doctrine for a government to act upon or avow. The strongest apprehension that he had entertained from the infusion of democratic power into the House of Commons by the measure of reform, was, that the House would hereafter find it very difficult to resist proposals for immediate relief at the expense of good faith, and of the true permanent interests of the country. What tax could be maintained if the principle laid down by the right hon. gentleman was a just one? What tax was not a burthen to some class or other? If he could repeal taxes consistently with honour and good faith, there was no tax from which he would not relieve the people; but at present the best mode of honestly diminishing the public burthens was, to preserve inviolate the public faith—to give confidence to the public creditor—and, by means of that confidence, reduce the interest on the public debt. In this, as in other similar cases, honesty will be more profitable than fraud—even if profit were its chief recommendation. The doctrine he had been opposing certainly appeared to him a very extraordinary one; but if he was surprised by the right hon. gentleman maintaining it, he was still more astonished at what fell from the vice-president of the Board of Trade. That right hon. gentleman had a theory perfectly novel. He said, that we ought to regard with something like satisfaction the deficiency of £698,000 in the revenue, because it was not in fact money lost, but was in the pockets of the people ready to be extracted on any occasion that might require it. This speculation in finance the right hon. gentleman designated by a name which would not soon be forgotten; which would, he hoped, ever continue to belong to the right hon. gentleman, without a rival claimant. He called it the “fructifying principle.” Thus, should the government not have the money to pay the interest of the national debt, the creditor would have no right to complain of his loss, because the money was “fructifying” in the pockets of the people. If the right hon. gentleman could, but establish this principle generally, he would stand a chance of being the most popular man in the three kingdoms among that numerous class of the king’s subjects, the debtors of the country. Every debtor would then only have to tell his too pressing creditor, “Do not give yourself any trouble about your principal or interest. For you to say, that you are losing money, is mere delusion: it is in my pocket, increasing upon the fructifying principle, ready to be extracted upon any future occasion.” According to this fructifying principle, in what an enviable condition were the creditors of Chili and Colombia! Strange that their bonds should be at a discount, after the assurance of the right hon. gentleman that they ought to be actually increasing in value on the “fructifying principle.” The creditors of Colombia and Chili ought not to be dissatisfied that the interest on their loans was not paid. True, it was withheld; but then it was, of course, “fructifying in the pockets” of the people of Chili and Colombia, and was ready to be extracted on a future occasion. The Columbians might say, in the words of the right hon. gentleman—“It is very true that we have not paid your dividends for some time, nor do we intend to do so for a period to come; but then do not think that the money is lost. We are keeping it for your benefit, and it is ‘fructifying in our possession.’” There was another debt to which the attention of the noble lord, the foreign secretary, had recently been directed; and he feared the “fructifying principle” would be applied in the case of that debt. We had recently become security for that part of the debt of the Netherlands which the new kingdom of Belgium was to take upon itself. He forgot the distinctions taken by the noble lord—we were guarantees for the debt, not security, and we were to have a claim upon Belgium for the re-payment of any advances we might make. But the chancellor of the exchequer for Belgium, enlightened by the doctrines of the vice-president of the Board of Trade, would, no doubt, laugh at our

demands for re-payment, and congratulate us on the advantage we should possess in remaining unpaid—the money due to us being retained on the true “fructifying principle.” But, to be serious, these doctrines were as fallacious and extravagant as they were dangerous, and he lamented that two right hon. gentlemen, holding high offices in his Majesty’s government, in explaining their views of the financial situation of the country, should have advanced speculations ten times more formidable, if acted upon by his Majesty’s government, than any deficiency that might occur in the finances of the year. He protested against the introduction of such doctrines, as he was sure that nothing but the worst consequence could result from them. He was sure that it was a great mistake to suppose, that we could remove existing taxes, and replace them by others, without occasioning great mischief. And he deprecated that overwhelming desire to catch the applause of those out of doors, which seemed the basis of the conduct of the government. He would tell the noble lord, that popularity so earned was sure to be fallacious. Circumstances might occur with regard to the machinery of a tax, that might render it occasionally advisable to substitute one that did not press so severely on the industry of the country. But, as a rule, he doubted the policy of repealing imposts that had long been in existence, for the purpose of introducing other taxes which, in theory, appeared less oppressive. He might say, from experience, that the old system was less burdensome than the new and plausible schemes which had been lately introduced; and he thought it would be more desirable to retain the duties we had at present, than run the risk of a great defalcation in our revenue, by the substitution of new taxes. The commutation of taxes was not likely to relieve the people of the burthens which at present press upon them. He must, therefore, caution the noble lord against the adoption of untried and plausible experiments in taxation; for it was the noble lord’s duty to recollect that the faith to the public creditor ought, on no consideration whatever, to be shaken. He rose principally for the purpose of saying, that even if the statement of the noble lord, with regard to our financial prospects, was correct, still it was far from satisfactory; but his apprehension on this head would be far greater, his confidence in the future prospects of the country much shaken, if he thought that the noble lord could approach this subject in a similar spirit to that which had characterised the speeches of the two right hon. gentlemen. He should regret, indeed, if he thought the noble lord could, with the right hon. secretary for the treasury, regard with indifference the deficiency in our revenue; and still more should he feel alarmed, if he thought the noble lord could maintain the monstrous doctrines of the vice-president of the Board of Trade—that this deficiency was not merely a matter of indifference, but rather a subject for congratulation. He was sure the noble lord would find it best to adhere to those measures by which the national faith could be supported. He trusted that those in whose hands our financial affairs were placed, would consider well the situation of the country, and the events passing in other countries, before they attempted extensive financial changes, and would not suffer a desire for momentary popularity to divert them from the high and important duty of maintaining the public credit. His hon. friend, the member for Thetford, said, that it would have been easy for former governments to have kept up taxes to such an amount as to form an efficient sinking fund to the amount of £7,000,000. He differed entirely from his hon. friend; for there would have been such a combination of parties against any government which attempted to maintain a surplus revenue to that extent, as would have compelled a reduction of taxation. At the same time, he firmly believed that it was essentially necessary that a surplus revenue to a certain amount should be maintained for the support of the public credit. The safety and honour of the country, as well as the prospect of a reduction of our burthens hereafter, was involved in the steady payment of the public creditor; and he entreated the noble lord not to sanction any measure, nor to undertake any great change, connected with our finances, calculated in the least degree to excite alarm as to a possible violation of the public faith of this country.

The report of the committee of supply was then brought up; the resolutions agreed to; and a bill founded thereon ordered to be brought in.

PARLIAMENTARY REFORM.

FEBRUARY 7, 1832.

On the motion of Lord John Russell, the House resolved itself into a Committee on the Parliamentary Reform Bill for England.

On clause 31, which provides that freemen shall not vote in boroughs unless resident, being read—

SIR ROBERT PEEL said, he only performed a duty which he very rarely had had occasion to perform, in expressing his satisfaction with the amendments introduced into this clause. The main distinction between this clause and the corresponding clause in the bill of last session was this, that the rights of freemen entitled to their freedom by birth or servitude were now secured to them and to their successors for ever. He thought this an important object gained; first, because it introduced a new class of voters, and broke the uniformity which would otherwise be established by the £10 clause; and secondly, and chiefly, because it maintained the hereditary privileges of an industrious and intelligent class of society. If other hereditary privileges were to be preserved, as he trusted they would be, those possessed by the artisan and mechanic ought not to be violated. He must remind the House that the clause now stood exactly as it was proposed to stand last session by an hon. relative of his, the member for Newcastle (Mr. Edmund Peel). His hon. relative had drawn the distinction between mere honorary freedom, and the freedom acquired by birth or servitude, and had strenuously, though at the same time unsuccessfully, contended for the maintenance of that privilege which was now effectually secured. His exertions had not, however, been unavailing, as the exact terms of his amendment were now incorporated in the bill. On the part of his hon. relative, who had been unable to attend in consequence of severe indisposition, he begged to express his satisfaction that justice had been done to a class of electors who prized this privilege, much less on account of any personal advantage which they individually derived from it, than on account of its being an ancient franchise, which they wished to transmit to their children and successors in as perfect a state as they had themselves inherited or acquired it.

Lord Althorp would not say the amendment was an improvement, yet, as the ministers found it was a point they could concede with consistency to the principle of the bill, they did not reject it.

Sir Robert Peel was glad the noble lord had adopted the amendment, but could not see why the noble lord had agreed to it if it was, in his opinion, no improvement to the bill. There could be no doubt, however, that it broke in upon the £10 clause, which was held up as of such vital importance.

Clause agreed to.

RELATIONS WITH PORTUGAL.

FEBRUARY 9, 1832.

Mr. Courtenay having introduced this subject by a long and eloquent speech, said he felt justified in calling for some explanation as to the suspension of our diplomatic intercourse with Portugal—the events which occurred in consequence of the appearance of the French fleet in the Tagus—and the conduct of the government with respect to the disputed succession to the Crown of Portugal—and concluded by moving, “That an humble address be presented to his Majesty, that he will be graciously pleased to give directions that there be laid before this House copies or extracts of information (if any), received by his Majesty’s government, concerning the enlistment of men, or equipment of vessels, on an intended expedition against the present government of Portugal; and of any applications in relation thereto received by his Majesty’s government, on the part of the Portuguese government, and of the proceedings of his Majesty’s government thereupon.”

Lord Eliot supported the motion.

In the debate which followed, Viscount Palmerston remarked that he should not

take the result of the motion to be confined merely to the production of half a dozen additional affidavits, but to extend to the approval, or otherwise, of the manner in which the present government had conducted its foreign relations.

SIR ROBERT PEELE said, that the government would give some proof of their confidence in the justice of their cause, if they condescended to state reasons for the opposition they offered to the motions which were brought before the House, instead of upon every occasion declaring that each individual question affected the general stability of the administration, and must therefore be opposed. They would have acted more fairly now in coming forward with statements, explanatory of their acts, than in endeavouring, as they had done, to shield themselves from an enquiry into their alleged misconduct. On one occasion they turn round, and say, Remember the Reform Bill; unless you vote for us, the Reform Bill is lost. On the question of the Russian Dutch loan, did not the noble lord, the member for Devonshire, expressly state, if you suffer us to be beaten on this question, we are lost; and there is an end of reform unless you certify the Attorney-general's law to be good law. The same course of proceeding was adopted with respect to the question then before them. Some hon. members entertained great suspicions as to the relations in which England and Portugal were now placed with regard to each other; and the instant those suspicions were propounded, and an explanation demanded, up started his noble friend with a declaration, that this was an attack on the foreign policy of the present government generally, and therefore he must decline considering the abstract merits of the particular question at issue. He would address himself to some of the arguments used on the other side. The noble lord (Morpeth) the member for Yorkshire, had referred to what had taken place at Terceira, as if the opinion of parliament had not been already pronounced upon that subject. The noble lord had devoted the great part of his speech to the consideration of the policy of our interfering in that instance, concluding with an assertion, that the sole ground upon which the government of that day escaped condemnation, was the gratitude the country felt for the passing of the Catholic Emancipation bill. In consideration of this measure, the opposition of that day was unwilling to censure them. The opposition was pacified and merciful. He did not wish to say any thing unkind of the subordinate persons attached to the fortunes of the present administration; but he might be permitted to direct his attention to the leaders. First, however, he would remark, that upon a question of censure upon the ministry, the House had divided, and the motion was supported by 78—opposed by 191; and consequently there was a majority of 113 in favour of the late government. The noble lord accounted for their triumph by attributing it to the forbearance of the party opposed to them. Now, on what ground did this pretended forbearance rest? He would not trouble himself with the course pursued by subordinate members of the party—but would refer to the acts of its leaders. He saw on the opposite bench five cabinet ministers sitting together. Those five cabinet ministers took a part on the Terceira question. First, there was the right hon. president of the Board of Control (Mr. Charles Grant); the noble lord (Lord Althorp), who sat next him, was teller in the division; the next noble lord (Lord Palmerston) proposed the censure; the next noble lord (Lord John Russell) voted for it; and the right hon. gentleman (Mr. Stanley) made the best speech in support of it. Now, as there were only five of these gentlemen now in office, and as all the five had voted against the late administration, surely no claim for great forbearance could be established. To address himself more particularly to the course of argument pursued by the noble lord, he must remark, when the noble lord accused that side of the House of a desire to censure the conduct of government right or wrong, that he, for one, would proceed upon no such principle as that which was attributed to his party by the noble lord. When he thought the ministers were not entitled to credit, he would boldly express his opinion to that effect; and when he thought they were entitled to credit, he would at once admit it. The noble lord had said that no objection could be fairly taken either to the period or to the mode which was chosen for the enforcement of the British claims upon Portugal. He was ready to admit, that, in his opinion, there was a repeated neglect of our remonstrance upon the part of Portugal which did justify England in its interference. He would not for a moment attempt to justify the conduct of the Portuguese with respect to British subjects. He denied the assertion that his noble

friend (Lord Aberdeen) had manifested the slightest disposition to overlook the just claim which those British subjects had for redress. That noble lord had made a demand for reparation, and had informed the Portuguese government, that if this demand were not acceded to, it would be enforced by a naval expedition. Suppose thirty days had been allowed to Portugal to make reparation. Could it be justly said, that the allowance of such an interval before the actual application of force was a proof of indifference to British wrongs. He could confidently declare, that, if the late ministers had remained in office, they would have as rigidly exacted reparation for the injuries of Portugal as their successors had done. But nothing, it appeared, would satisfy the majority of the House of Commons but the resort to force. There must be no delay—no expostulation—no consideration of tenderness towards an ancient and powerless ally, but every demand must be instantly enforced at the point of the sword. Was this the pacific policy which reform was to establish? One gentleman roused their passions by an inflamed account of corporal punishments inflicted on individuals—another taunted them with mean and cowardly submission to insults—a third demanded that they should march troops to the relief of Poland, and yet these advocates for war had voted for reform as the surest guarantee of perpetual peace. When the gentlemen on the opposite side took credit for their great promptness in enforcing British claims, and at the same time admitted, that this proceeding upon our part justified a like proceeding upon the part of France, he thought that they demonstrated the necessity of great caution on our part, and the policy of exhausting every other means before they had recourse to absolute force. With respect to the British claims, he thought the conduct of the noble lord was justified by the circumstances of the case. It would have been inconsistent with the honour of England to have suffered a much longer period to elapse without asserting these claims. But to come to the next and most important point—the rights of France, were they of the same character? Decidedly not. They were entirely dissimilar. He must also say, that these claims were not put forward in the most irreproachable way. He thought the noble lord, the secretary of state, had made use of some expressions, from which he would be not unwilling to recede before the termination of the debate. But whether the noble lord did or did not retract those expressions, he thought he should be able to prove that they could not be vindicated. The noble lord said, that even if Bonhomme was justly condemned, the French government was still borne out in its demands for reparation, on account of other injuries it had sustained; and yet one of those demands was that the judges who had justly condemned Bonhomme should be dismissed, and that the sentence passed on him should be abrogated. [An hon. member: That is a quibble.] A quibble! he said it was no quibble. In addition to the dismissal of the judges, a compensation of 20,000 francs was demanded for Bonhomme. Now, if the sentence was a just one, was it reasonable to demand such a payment for the man who had been justly condemned? If one state, possessing great power, were thus by force to compel assent to such demands from a weak state, he asked, what security was there for the integrity or independence of any of the minor powers of Europe? Why, they would exist only by sufferance. No government had a right to make such demands. What must be the condition of judges, too, if they were to be liable to dismissal, upon the application of a foreign government, for having justly condemned a foreigner who had rendered himself liable to punishment according to the laws of the country! Supposing the sentence to be manifestly unjust, he did not blame France for interfering: but he thought that, without the fullest proof of corruption in the judges, France never should have put forward a demand for their dismissal. But this was not all. The next demand was for the reversal of all sentences passed upon Frenchmen for political offences during the last two years, without qualification, exception, or enquiry. Was not such a demand from a strong power to a weak one, absolutely fatal to the integrity and independence of the weak power? The letter from the noble lord to Mr. Hoppner stated, in effect, that as the Portuguese government had before changed their judges upon similar occasions, they might as well do so on the present. But the noble lord seemed to doubt his own view of the case; for on the same day he wrote to the ambassador at Paris, desiring him to recommend an enquiry, upon the part of the French government, into the true character of the transactions in Portugal. Was any such enquiry made, or did

that government proceed upon vague rumour. The noble lord (Lord Ebrington), congratulated the House upon the fact of the country's having escaped the recognition of Don Miguel by the resignation of the late government; but here the noble lord differed altogether from one of his leaders. A noble lord (Lord Althorp), when allusion was made in the king's speech, in the year 1830, to the necessity of speedily acknowledging the sovereign of Portugal *de facto*, had expressed his cordial concurrence in the policy of so doing, and had moreover declared, that he did not think the government would be justified in delaying the recognition of Don Miguel longer. In this opinion he certainly concurred with the noble lord; for he thought that it was fair to conclude that a sovereign *de facto*, who maintained his authority for three years, was the choice of the people: we were entitled to withhold our recognition of Don Miguel at first. It could not be denied that he had violated his promises to this country—but if we did not interrupt the relations of peace with him on that account, and if the people of Portugal admitted his right to rule over them, surely we were not justified in a permanent refusal to re-establish our diplomatic relations with Portugal. If the contrary doctrine were upheld, how could the acknowledgment of the new sovereign of France be justified? In his opinion, the private character of the prince had nothing to do with the question. He conceived that the United States had displayed a much wiser policy towards the sovereign *de facto* of Portugal, in recognising him, while they reserved to themselves the right of demanding reparation for injuries. He trusted that, in the pending contest between Don Pedro and Don Miguel, England would practically observe the neutrality which her ministers professed, that no indignation against the personal conduct of Don Miguel—no sympathy with such persons as Bonhomme—would disturb the calm judgment of the House, and precipitate the country into any course at variance with that which the law of nations, and our true interests, prescribed. Whatever they might think of Don Pedro or Don Miguel, they were all agreed that it was the duty of England to maintain a friendly and close connection with Portugal. The country was bound to do this on every principle of law, equity, and prudence; but he did not fear, notwithstanding what had fallen from the noble lord opposite, that a strict neutrality had not been observed. Any departure from it, under the present position of European politics, would be ultimately attended with the worst consequences. This country was bound to Portugal by several treaties which gave England rights in Portugal, and imposed obligations on England in return; so that our relations with Portugal were not merely governed by ordinary international law, but by conventional law. Under that law, we claimed from Portugal particular commercial advantages, and were bound in return to support and protect that country. The alliance was not with the person at the head of the state, but with the state itself, and Portugal had a right to demand from this country an observance of the engagements into which it had entered, and which were the price of commercial privileges and immunities granted to us by Portugal in return. He did not contend that, in a case of disputed succession to the throne—in a case of invasion by one of the claimants—that we were bound by treaty to assist the other in repelling that invasion; but he did contend that we were bound to maintain strict neutrality, and to give no countenance or support to the invader. The system which had notoriously been pursued in this country, of enlisting men, fitting out armaments, purchasing warlike stores for the purpose of assisting one of the contending parties, was a direct breach, not only of conventional, but of international, law. In this respect the Portuguese themselves had set this country a better example. In the year 1634, at the period of the commonwealth, when Prince Maurice and Prince Rupert betook themselves to Portugal to arrange an expedition against the then government of England, that government required the Portuguese to consider them as rebels; and in the year 1656, the Portuguese refused to harbour the two princes, as being opponents to a *de facto* government. There was another instance: at the time of the war with our American colonies, Portugal was prohibited by England from harbouring any of the rebel subjects of the king, or holding any amicable communication with the revolted provinces. With regard to the main question before the House, it was said, they had only heard rumours and whispers, which did not prove any thing; but if this motion were carried—if the papers were produced—he should be able to show clear cases of the violation of the Foreign Enlistment Act. It was notorious that there were stations in the metropolis

for the enlistment of troops for the service of Don Pedro; and it was equally notorious, that a preference was given to British soldiers. It was also well known, that, on application at the Custom-house, four vessels, destined for the expedition against Portugal, had been detained in the river. They had been detained at the instance of that department (the customs) which is empowered by law to enforce the provisions of the Foreign Enlistment Act; and yet these four vessels, having troops and warlike stores for the equipment of Don Pedro, after a detention of three weeks were released by the intervention of his Majesty's government. Why were they not brought under the consideration of the ordinary tribunal, the court of exchequer? The executive government released these vessels without the intervention of law. That conduct had placed the government under the just suspicion of having violated neutrality. Was it not the fact, that these four vessels which had been thus released, after three weeks' detention by the customs, did, subsequently to their release, actually form part of the expedition of Don Pedro? Was it not the fact, that one of these vessels was the very vessel from which the proclamation of Don Pedro was issued? If these were facts, and if these vessels were suffered to go to a French port, and to form part of an expedition against Don Miguel, it was a violation of our neutrality. There could be no doubt that the government were bound to be careful, and see that foreign vessels were not unjustly detained; but when a detention had taken place, on information on oath, the ships should not have been released without an appeal to the regular tribunals of the country. The noble lord had said, that public inconvenience might have arisen from the detention of foreigners. Let foreigners obey the law of this country—and thus avoid that inconvenience. They had no right to compromise us by the commission, on neutral ground, of acts of hostility. If the noble lord objected to the motion, on the ground of public inconvenience attending the production of the papers moved for, that would be a different question; but he would not acquiesce in the force of the only objection made to their production—namely, that to call for them was to employ a censure on the government. It might be easy, by means of a majority, to negative this motion; but not so easy to establish the fact, that neutrality had not been violated, and that the expedition had not sailed from a French port under the countenance of England. If Don Miguel were hurled from his throne, and Don Pedro succeeded to it, was it to be believed that the influence of England would remain predominant in Portugal? What reply could be made to Spain, should she say, "I feel my interests compromised by the destruction of Don Miguel's authority, and I will exercise that right of assisting to maintain it, which cannot be denied to me, if other powers may co-operate in the attempt to overthrow it." He must say one word regarding the municipal law of this country. If ministers thought the Foreign Enlistment Act so atrocious, why did they not at once propose the repeal of it? If they disapproved of the expedition, knowing its nature, it was their duty at least not to interfere, as they had interfered, with the ordinary course of the law. If ministers were desirous of maintaining tranquillity, they ought, above all, to be desirous of maintaining neutrality, and the Foreign Enlistment Act gave the means of maintaining it. If it had been departed from in this instance, Great Britain had abandoned the high ground she ought to occupy, had pursued a course alike forbidden by prudence and by justice, and had set an example to after times from which the most serious evils might be anticipated.

In reply to Mr. Stanley,—

Sir Robert Peel begged to be allowed to explain one point: the right hon gentleman had granted that the sentence on Bonhomme was just, and yet contended that it was right to dismiss the judges on account of the concealed flogging. If that punishment was in addition to their sentence, it would have been the grossest injustice to make these persons responsible for it.

The House divided on the motion; Ayes, 139; Noes, 274; majority, 135.

HERTFORD ADDRESS TO THE KING.

FEBRUARY 10, 1832.

Mr. Duncombe complained of the fraudulent manner in which the signatures had been obtained to the above address, it having been represented as an address to his Majesty to pass the Reform Bill, and for a repeal of the assessed taxes; while in reality it congratulated the King on the rejection of that measure, and for not having created Peers to ensure that object. The petitioners were ready to prove, at the bar of that House, that never was there a more gross attempt to deceive his Majesty and the public as to the feelings of the county of Hertford in reference to Reform, than the address to which their signatures were thus fraudulently obtained.

Several members having spoken on the subject,—

SIR ROBERT PEEL said, that all this discussion had arisen out of a combination of worthy gentlemen, who had signed a petition they had never read, and who, in consequence of doing so, had provoked a discussion on all the mysteries and *arcana* of Peer-making, which would postpone, for some small portion of the evening, the discussion of the Reform Bill. What he rose to protest against was, that these persons who had signed this petition without reading it, and who had thus unnecessarily introduced a debate, should still take it on themselves to press the House not to allow of further delay in the discussion of the bill. The delay was not with them—it was with those persons who caused these unnecessary discussions; and he humbly expostulated with Messrs. Sears, Weslake, and Thimbleby, against such uncalled for proceedings. He hoped, after this, that the noble lord would not think of calling upon them to sit upon Saturday. He should not say any thing at present on the other part of the question; he would not assume the possibility of a Whig government overpowering in this way the sense of the House of Peers; he should wait till he saw that attempt made before he said a word upon it; but if the peers were to be created for the purpose, he must say, that he thought the six petitioners had as good a right to be selected for the honours of *The Gazette* as any other. The hon. and learned member for Kerry said, that week by week he had examined *The Gazette*, to see the announcement of the new creations. If this violence should be done to the constitution, he hoped that the same *Gazette* which contained the 122 peers desired by the hon. and learned member, would include among the numbers the name of Baron Thimbleby of Barnet.

PARLIAMENTARY REFORM.

FEBRUARY 10, 1832.

The House resolved into a Committee on this Bill,—Mr. Bernal in the chair:—

On the 51st clause being put, by which authority is given to the barristers to summon witnesses to give evidence touching the matter pending before them; and in case of refusal by the witnesses to be sworn to give evidence, to commit such party refusing to the House of Correction for seven days.

Mr. Goulburn thought that some difficulty would arise from the wording of the clause; for, though the barrister was empowered to issue his warrant for the attendance of a witness, there was no provision in the clause as to any person by whom the warrant was to be executed; so that it was only when the witness appeared before the barrister that he was liable to punishment, for, if he chose to stay away, he suffered no liability.

SIR ROBERT PEEL conceived another difficulty presented itself; for no party was bound to attend as a witness until his reasonable travelling expenses had been tendered to him; and who, under the provisions of the bill, he would ask, was the party to make the tender? If there were no such party, how could the witness be bound to attend? He admitted that it might be said that every witness might be presumed to reside within the borough or town within which the vote was to be given; but supposing him to be in London, or elsewhere, who was the party interested to make the tender of his expenses?

Lord Althorp had no hesitation, after the suggestions which had been thrown out, to postpone the consideration of the clause.

Sir Robert Peel said, that the manner in which his suggestions had been met, afforded a great encouragement to hon. members on his side of the House to offer for consideration amendments to the bill, in the same spirit in which they were received.

The Attorney-general assured the right hon. baronet that every reasonable suggestion had, and ever would have, the attentive consideration of the government.

The clause postponed.

On the 53rd clause, enacting that lists of voters for counties shall be transmitted to the clerks of the peace, and that lists of voters for cities or boroughs shall be kept by the returning officers,

Sir Robert Peel said, there was a point in this clause to which he begged to call attention, as there was no provision in it for correcting the list, should there be an error in the entry of the names, except taking the case before a committee of the House of Commons. The Act required distinctly, that the form of the list and notice applicable to cities and boroughs, should be drawn according to the schedule of the act, and that the Christian name of the voter should be copied into a book from the list. Suppose a person had two Christian names, and he, by mistake, was entered by only one; when he came to the poll he might be rejected, and the only tribunal before which such a mistake could be corrected would be a committee of the House of Commons. There was a case to be met with in Rogers's work on elections, where a man's name was entered differently; in one case it was "Charles" at full length, and in the other simply "Chas." This led to a dispute as to the identity of the vote. There being no remedy provided for correcting a trivial error of this description, the omission might be an encouragement to litigation in elections. He, therefore, thought there should be some provision affording the means of correcting palpable and unimportant errors, by some less tedious and expensive machinery than an election committee. The evil arising from litigation, in consequence of mistakes of this kind, might be clearly exemplified by the Bedford case, and the law on this subject could not be too clear. In the case he alluded to, 277 voters were objected to out of 500, on account of their assessments to the land-tax being informal. He wished to know whether there was to be no appeal but to a committee of the House of Commons, or whether any mode was to be adopted for correcting mistakes other than that of coming before an election committee? It would be necessary that a proper party for determining this point should be appointed: whereby, on coming to the poll, a voter should have an opportunity of rectifying any error that might have crept into the list; for, unless this was done, an opportunity would be given for making frivolous objections. As the bill at present stood, the occupation of successive premises would entitle a man to vote. Supposing a man had occupied three or four different premises, it would be necessary, in that case, that he should state his qualification, and if, by accident, his Christian name should be entered differently in the lists, he would, without some such remedy, be liable to have his vote objected to.

Lord John Russell thought, the general provision made by the clause was calculated to prevent such mistakes. The Bedford case, alluded to by the right hon. baronet, arose from some neglect with regard to the land-tax. The attempt to remedy minute evils by legislation very often created greater ones.

Sir Robert Peel said, his sole object was to prevent, as much as possible, the having recourse to such an expensive remedy as a committee of that House was known to be. He hoped the noble lord would make a slight alteration in the clause, to meet the objection. Some such provision as a man coming forward and declaring, "I am A. B., but my name is entered on the list as C. D.," would be likely to prevent appeals to the House of Commons.

The clause was then agreed to, as was also the 54th.

On the 55th clause, enacting that the expenses of overseers shall be paid out of the poor-rate, being put,

Sir Robert Peel observed, that this was an enactment of considerable importance, as it went to provide that the expenses of the overseers should be paid out of the funds collected for the support of the poor. He thought this singularly objectionable,

because it had the effect of saddling a very considerable expense on a rate which all classes of persons were desirous should be decreased instead of augmented. The very next clause appeared to be framed by persons aware of the objections which were sure to be entertained against accumulating charges upon this almost sacred fund for the relief of the poor; for it was by that clause provided, that the expenses incidental to the performance of their duty by the district barristers should be borne out of the public purse. This objection had, it would seem in this clause, struck the framers of the bill, and he regretted the same caution had not been shown in the clause before the committee. There would not be wanting village Humes—he meant the allusion complimentarily—who would not fail to deprecate saddling the poor-rates with the objects of that particular fund. The clause would be a great hardship on those scot and lot voters who would have to defray the expenses under a bill which disfranchised them. He begged the committee to be on their guard what they resolved upon with respect to this very singular and anomalous provision in the bill, as their conduct would most certainly be scrutinized with more than ordinary strictness and severity by their constituents throughout the country, if they should be induced to encumber the fund for the relief of the poor with this heavy charge. He had another ground of objection. The boroughs were not, in all cases, to be co-extensive with the parishes, and therefore, in some cases, the parish would be burthened with an expense which would not properly belong to it.

Lord Althorp did not, he confessed, see how the payment of these occasional expenses could be more safely or economically provided for than by leaving the defraying of the charges incurred by the constables of the districts to the local fund of the places interested. It was certainly better than permitting it to be claimed out of the Exchequer, because it was evident that office could not have the same control over the constable in distant parts of the kingdom as the local authorities, or the private persons interested in keeping down those expenses.

Sir Robert Peel said, every measure should be devised to contract parochial expenditure, instead of adding to it. The amount annually collected was already enormous, and there was no limit to its increase. While all other public burthens were under the control of that House, this was exempt from their management, and therefore they ought to be very careful how they added any additional charges to it, particularly if they at all partook of an undefined character. The overseer was an officer acting generally gratuitously, and was often a person wholly incompetent to attend to complicated accounts. He must, therefore, incur some expense in getting them completed; probably the attorney and vestry-clerk would assist him; and, as such parties jointly had frequently great control over the parish funds, the chances were, that in many instances large and unnecessary expenses would be incurred. The charges, therefore, ought to be defined, and their amount subjected to some other supervision than that of the parochial authorities. As the candidate at an election had to defray a portion of the expense, it was most desirable that, upon the principle of the Scotch Bill, the voters should be also made to pay a small sum each towards defraying those expenses. It struck him that that would be a better plan than the one which threw those expenses on the poor-rates generally; for there was nothing that parliament should more carefully attend to than the limiting and controlling parochial expenditure.

Lord Althorp had no objection to postpone the consideration of this clause, if such were the desire of the committee.

Clause postponed.

The House resumed. The committee to sit again the next day.

SUPPLY—DATE OF THE FINANCIAL YEAR.

FEBRUARY 13, 1832.

Mr. Goulburn having wished for an explanation of the reason why the estimates were brought forward at this particular period of the year,—

Lord Althorp replied, that by the course hitherto taken, the estimates had been proposed after a certain amount of the money had been actually expended, and of

course that expenditure must have been made without the previous sanction of Parliament. With the view of avoiding this anomaly, he thought it more consistent with the privileges of that House, that the estimates should be submitted for the ensuing year previously to the supplies being voted, and before the government had spent any of the money. In future, the financial year might commence in April. He admitted that a difficulty would be experienced; but he believed that the plan would be found practicable after the first difficulties had been got over.

SIR ROBERT PEEL said, that it must have frequently occurred to all persons that there was some anomaly in first expending a part of the public money, and then coming to the House to ask for a vote justifying that expenditure. If the plan now proposed could be effected without inconvenience, it would undoubtedly remove a great anomaly. But many points were to be considered before it could be carried into effect. The public service required that the estimates should be voted for the year, before the 1st of April. Now, some time would be required for the examination of these estimates, and the time between the meeting of the parliament and the 1st of April would hardly enable them to give the estimates that examination which it was always desirable to afford them. Suppose parliament was called together on the 15th of January, he was afraid that there might be subjects of great interest—subjects, perhaps, of greater immediate importance than the estimates—that would occupy the attention of parliament. If that should happen, then, unless the House voted every estimate before the 1st of April, there would be nothing in their arrangement. He hoped that the noble lord would not be obliged to violate the rule he had laid down, even in the very first year of its existence. By the rule he proposed, the noble lord gave himself no alternative but to proceed and vote all the estimates before the 1st of April. He, however, had no objection that the experiment should be tried.

In reply to Sir James Graham,—

Sir Robert Peel needed no authority to convince him of the desirableness of the plan, if it could be effected. In a constitutional point of view it was evidently preferable; but as there were obviously many difficulties in the way, he thought the most mature consideration should be given to it, so as to make the change complete at once.

Subsequently, Sir Robert Peel thought this subject could be much better discussed in a committee than on the present occasion. He wished the House to proceed with the estimates.

The House then resolved itself into a committee of supply.

SUPPLY—CIVIL CONTINGENCIES.

FEBRUARY 13, 1832.

Mr. Spring Rice moved that a sum not exceeding £200,000 be granted to his Majesty to defray the expense, under the head of civil contingencies, for one quarter, from January 1, to March 31, 1832; and for one year—from April 1, 1832, to March 31, 1833.

Mr. Goulburn objected to an item of £1000, paid to Mr. Telford, to defray expenses already incurred in his survey for supplying the metropolis with pure water, and to enable him to proceed with the same. He conceived the expense ought to be borne by the water companies.

Lord Althorp said, that at the first view he had concurred with the right hon. gentleman in thinking that the water companies were the proper persons to pay the money. But it would be recollected that his hon. friend, the member for Westminster (Sir Francis Burdett), had said, he would be answerable for the expense of the survey, if the treasury would authorize it to be made, which was consented to. At that time his hon. friend, as well as the treasury, conceived that the water companies would be induced to pay the money. But it now turned out that there was no chance of persuading them to do so. And then the question came before the treasury in this shape. A committee of that House had reported its opinion, that measures ought to be taken to procure a better supply of water for the metropolis.

and were they not to endeavour to support that opinion? Under all the circumstances, he thought the government was called upon to make the advance.

SIR ROBERT PEELE said, that some time after that report had been made, he had refused to grant this money, and the House had approved of his refusal. He had had repeated communications with the water companies, and he was enabled to say, that they had never authorized the slightest expectation that they would pay for the survey. He must protest against the government undertaking the expense. We were not here in the same situation as France was under the Bourbons, who provided for every thing in the country. He was convinced that the projected work would never succeed, except as a private speculation. If it did not succeed, why should the government be at the expense? and if it did succeed, why should not the expense be borne by those who were to benefit by it? He considered it a most dangerous precedent. If it were acceded to, he saw no reason why they should not be called on to extend the principle to Liverpool and Manchester, and ascertain how those places could best be supplied with good and pure water. In conclusion he begged to ask the noble lord, what the whole expense of the survey would be?

Lord Althorp said, at the utmost it would not amount to £5,000; indeed, he believed, that £3,000 would pay the expense.

Sir Robert Peel said, this was one of the consequences of the interference of government in private matters. Such interference was equally unjustifiable, as well towards the public as towards the private water companies, which companies, at the period alluded to by the hon. member who spoke last, were preparing additional means for the supply of pure water to the metropolis, and would have provided them, probably, by this time, had not government stepped in between them and their object, by encouraging, as was truly said, the proposal of magnificent plans, which would not and could not be carried into execution. He felt it, therefore, to be his duty to move, that the present vote be reduced by the sum of £1,000; and, in order to justify this motion on his part, he would trouble the House with a reference to certain treasury minutes relating to this survey. The first of them was dated the 15th of March, 1831, and was consequent upon a letter, in which Sir Francis Burdett informed the treasury, on the 25th of January, 1831, that Mr. Telford was ready to make the survey. Mr. Stuart, the secretary to the treasury, was ordered to write to Mr. Telford, to direct the survey to be made, and to Sir F. Burdett, informing him that the survey was undertaken on the condition proposed by Sir F. Burdett himself—namely, that he would bear the whole charge of it. Subsequently Mr. Telford referred to the treasury, to know by whom the expense was to be defrayed. Mr. Stuart was then ordered by the lords commissioners to inform him, that Sir Francis Burdett had undertaken that the public should be secured against any part of the expense of the survey; and Mr. Stuart was also directed to inform Sir Francis Burdett, that such a communication had been made to Mr. Telford. These minutes would sufficiently establish the fact, that Sir F. Burdett, and not the public, ought to be charged with this expense, and it was with that object directly in view that this motion was made. He begged, therefore, to move, that the sum now proposed to be voted be reduced by the sum of £1,000.

Mr. Spring Rice, in the absence of Sir F. Burdett, begged to be allowed to withdraw the charge from the estimate, until some explanation could be given on the subject.

Sir Robert Peel readily acquiesced in the proposal of the right hon. gentleman, in the hope of being afforded full and early information on the subject.

Mr. Spring Rice having explained other portions of the estimates,—

Sir Robert Peel said, that the explanations of the right hon. gentleman were satisfactory, but he (Sir R. Peel) most objected to that vote which the right hon. gentleman had not alluded to, because he supposed the hon. member for Middlesex had taken it under his especial care; he meant the sum of £500 for certain statistical accounts. If, as the hon. member for Middlesex stated, these tables were so exceedingly valuable, Mr. Marshall might be left to receive a recompense from their sale. There were various other works equally deserving of public patronage; but for the treasury to assist individuals in this way was open to very great objection. The hon. member for Middlesex might have derived great aid from these tables, but that was no reason why the public should pay for them.

TITHES—IRELAND.

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The resolution was then agreed to, deducting the sum of £1,000; the vote on account of Mr. Telford's survey being deferred.

TITHES—IRELAND.

FEBRUARY 14, 1832.

Mr. Lambert presented eight petitions from various parts of the county of Wexford, praying for the abolition of the tithe system in Ireland.

Mr. Carew and Mr. Walker supported the prayer of the petitioners.

After some remarks by Lord Althorp, in which he said, that, if extraordinary powers were to be called for from parliament to enforce the law, the resistance to which had arisen out of a grievance, they were equally bound to propose a remedy for that grievance, in conjunction with the application for those additional and extraordinary powers,—

SIR ROBERT PEEL said, it has been my uniform wish to discourage premature discussion on a subject which it is difficult to discuss without prejudicing that deliberate consideration which the House will be bound to give to it hereafter. I shall not, therefore, be tempted to enter into this discussion, and I once more advise the House to reserve its judgment until the committee shall have sent in its report. We shall then have before us at once the conclusion to which it has come, and the evidence upon which it came to this conclusion. But, Sir, I cannot refrain from expressing my deep regret at the declarations made by the organs of his Majesty's government in the two branches of the legislature, which, whether they be reconcilable with each other or not, are certainly calculated to make impressions and raise expectations of a very dangerous character throughout the country. The noble lord's declarations will certainly make the deepest impression. I presume that that speech has originated from some change in the intentions of the government. Whether that be the case or not, I will not be a party to the delusion which I think that speech is calculated to produce. I therefore feel bound to say, that I have heard no proposition made to the tithe committee, with respect to a permanent arrangement for a provision for the clergy of the established church in Ireland, which is calculated to realize the expectations which, I think, the speech of the noble lord holds out. Seeing the construction which has been put upon that speech by the gentlemen from Ireland, and knowing how probable it is, that a still stronger construction will be put on it by the people of Ireland, who did not hear the speech, I feel it to be my duty to disclaim being any party to that misrepresentation. I think that that speech is calculated to preclude the enforcement of the law. It is true the noble lord says, that the existing law shall be enforced; but he also says, that the grievances shall be redressed. Now, to make that declaration, unless his Majesty's government is prepared with a specific plan for the effectual removal of the grievance, seems to me to be most unwise, and only calculated to render the enforcement of the law impossible. If the ministers are prepared to bring forward a plan to provide for the clergy, differing in character from the system of tithes, I hope they will bring it forward without delay; but I entreat them, if their opinions are settled, and the plan is ready, at once to relieve the committee from all responsibility on this subject, and not to devolve on the members of it that serious consideration into which we must enter, if we are subsequently to recommend a final arrangement of this very difficult question.

Mr. James Grattan trusted, although the right hon. baronet might not see his way to a remedy, that he would excuse the noble lord (Althorp) for announcing, that he had made some progress towards the attainment of so desirable an end.

Sir Robert Peel was no rigid supporter of the present system of tithes in Ireland, and he had never stated that he was. On the contrary, he had diligently sought a remedy for the evils he knew to exist. But although he had applied his best energies to discover such in the committee, he had hitherto been unsuccessful. He must, therefore, again repeat his opinion, that the observations of the noble lord were ill-timed, and liable to misconstruction. He had protested, and must again protest, against the announcement of the noble lord, that an effectual remedy should be applied, when no such remedy had been brought under the consideration of the com-

mittee, and against the announcement, that the law is to be at once enforced and amended.

The petition was ordered to be printed.

IMPROVEMENT OF THE HOUSE OF COMMONS.

FEBRUARY 14, 1832.

Colonel Trench moved for a select committee to be appointed, to consider the state of the buildings comprising the House of Commons and the offices connected with it, with a view to the better accommodation of the members, and to facilitate the transaction of public business.

SIR ROBERT PEEL wished the question had been distinctly put, whether members would submit to the inconveniences which at present existed, or resolve that a new House of Commons should be erected. Had that question been brought before the House, he did not hesitate to declare that he should vote against the proposal for building a new House. As to the minor proposal—the plan for improving the House, as stated by the hon. and gallant gentleman—as it had not been recommended by the last committee to which it was submitted, he could see no advantage in submitting it to another committee. With respect to the objection of the hon. member to the oblong shape of the room, he was happy to hear that so much harmony prevailed in the more circular buildings of the university; but, with all the imperfections of the oblong, the real business of the country could always be transacted between the two sides; and there was, he conceived, ample space, except on one or two occasions of a session, for all who took part in the debates. The erection of an enormous building, in which not more than half the members would be assembled five nights out of the six, would be found a great practical inconvenience. He confessed, too, that he was attached, in some degree, to the present building, from the associations with which it was connected. It was with a feeling of pride that he sat in the same House where Chatham, and Pitt, and Fox, and Wyndham, had made their greatest and most splendid orations, and he could never consent to make that House the mere avenue or lobby to another. The expense of building a new House would not be confined to that alone. Offices, committee-rooms, and all other conveniences, must be built as a matter of course.

The motion was withdrawn.

CHOLERA MORBUS—PRECAUTIONARY MEASURES.

FEBRUARY 14, 1832.

Lord Althorp having moved for leave to bring in a bill for giving further powers to the Privy Council, for preventing the spread of the cholera,—

SIR ROBERT PEEL said, he was quite satisfied of the necessity of some legislative enactment to ensure the observance of precautions calculated to prevent the spreading of the cholera. Under the existing circumstances, when the danger was so imminent and indefinite, and when it was so difficult to see the precise course which it would be expedient to follow, to attempt to define the proper measures at present would be to defeat the object in view. He suspected no abuse of the powers which it was proposed to confer, and therefore thought it better to give a discretionary power to the privy council, than for parliament to attempt to define the precise nature of the measures to be adopted. To the substance of the bill he had no objection. The cholera was not a parochial disorder. It had begun at Sunderland, had travelled to Edinburgh, and was now in London. Why, therefore, should the expenses incurred for necessary precautions be made a parochial charge? The whole country had the deepest interest in the subject. The disease would probably rage with the greatest violence, and be felt with the greatest severity, in the poorest parishes, and the expense would be in proportion. As to the county paying the expense, that would be an arbitrary distinction, for Rutland was of one size, and

Yorkshire another. We were all as much interested in preventing the spread of contagion in Bethnal-green as in Cumberland and Westmoreland. If a different bill were to be introduced for Scotland and Ireland, because there were no poor-rates in those countries, he thought the arrangement would be most confused and complicated. The cholera, if it got into Ireland, would, no doubt, be felt most severely there, and he did not see why the expenses should not be paid from the general fund.

Mr. Stanley said, that the 58th and 59th George III. had been passed for the purpose of preventing the spread of typhus fever in Ireland, and of providing for the necessary expenses. What was now necessary was, to extend the provisions of that bill to the case of cholera.

Sir Robert Peel said, that whatever was the case with regard to typhus fever, he should advise the government to simplify their operations in the present instance—to consider cholera as a peculiar case, and to give such powers to the privy council as would enable it to defray the expenses out of the public purse. In Ireland and Scotland, to make it incumbent upon the local authorities to furnish the supplies would be very hard. They ought to have one authority—a metropolitan one—consisting of three members of the privy council, if the House thought fit, who should have the power to take whatever precautions were judged necessary with respect to places which were infected, and those which were not; but let them pay the charges out of the public money, as a matter of general concern.

Several members having spoken on the question,—

Sir Robert Peel said, that though there had not been any previous communication between him and his hon. friend (Mr. Baring) on the subject, yet there was not much difference in their sentiments. They need not go on arguing extreme cases; it was enough, that in principle there was no important difference between them. A clause might be introduced into the bill, which would render it necessary, that before any sums were issued under the sanction of the privy council, there should be a properly authenticated certificate, setting forth that the charges sought to be defrayed were incurred for the prevention or cure of cholera, and were in their nature extraordinary, and had nothing to do with the usual maintenance of the poor of the district from which the application proceeded. To take an example, there was the parish of St. Paul's, Deptford; that was a parish which the inhabitants of the county of Kent would naturally enough regard rather in the nature of a metropolitan than of a county parish, and he thought it evidently one of those cases which ought to be provided for out of the national funds. For his part, he did not at all see how it could be rendered imperative upon vestries to make the necessary provision, and he thought that precautions should be taken to avoid any thing like complex machinery. He was favourable to the bill being read a second time that night, and before the following day some improvements might be devised and moved in the committee.

Leave having been given, the bill was brought in, and read a first and second time.

CIVIL DEPARTMENTS OF THE NAVY.

FEBRUARY 14, 1832.

Sir James Graham concluded a long and explanatory speech, by moving for leave to bring in "A bill to amend the laws relating to the business of the Civil Departments of the Navy, and to make other regulations for the more effectually carrying on the duties of the same."

A long discussion ensued, towards the close of which,—

SIR ROBERT PEEL said, that he should be better able to appreciate the reductions proposed by his Majesty's government in the naval department, after they should have carried on the business of that department with the reduced establishment for some time. But he was bound to say, that the reductions appeared to him to be very extensive, and of such a nature that, if they could be carried into effect without injury to the public service, the right hon. baronet would be entitled to the thanks of the House and the country. But there was one part of the reductions to which

he hoped the right hon. baronet had not pledged himself, as he thought that it could not be carried into effect. It was at variance with the principles upon which his system of reduction appeared to be founded. Those principles were twofold; first, that the heads of the several public departments should be responsible for the officers employed under them. Secondly, that they should have an entire control over those officers. Now, he thought that they neither could be held responsible, nor exercise a sufficient control, if the officers held their places by warrant, *quamdiu se bene gesserint*; that was to say, that they would not be revocable by a new Administration, or by the Board of Admiralty, when it pleased.

Sir James Graham said that the right hon. baronet quite misunderstood him, and that he never intended to convey such a meaning in what he had said, and that he had not used the expression *quamdiu se bene gesserint*.

Sir Robert Peel thought that there should be an uncontrolled authority in the Board, to remove the persons employed under it. They ought to be placed, as regarded their removal, precisely on the same footing with under-secretaries of state. There were many ways in which an officer might so conduct himself as to render it imperative upon the head of his department to remove him, although he should not have done any thing which could be directly charged as misconduct. Besides, no administration ought to have the power of precluding any other which might succeed them from appointing to those offices persons in whom they might have confidence.

The bill was read a first time.

CHOLERA MORBUS—PRECAUTIONARY MEASURES.

FEBRUARY 15, 1832.

On the motion of the Chancellor of the Exchequer, the House resolved itself into a Committee on this bill.

Lord Althorp stated, that the provisions relating to the parochial and county rates would be so worded, with respect to Scotland, as to harmonize with the machinery in existence in that country. He was also willing, in compliance with the suggestion of the right hon. baronet opposite, to omit that part of the clause which would throw the ultimate expense upon the county rates. He was willing also to consent that power should be granted to the Privy Council to reimburse parishes that were greatly distressed, when they had been at an expenditure for the preservation of the public health which they might be unable to afford.

SIR ROBERT PEEL expressed his concurrence in the communication now made by the noble lord; but he thought the Privy Council ought not to be restricted exactly in the manner pointed out, viz., rendering assistance to distressed districts only; for he would have the council authorized to purchase buildings for the purpose of temporary hospitals, in which cholera patients should be treated; and other powers should also be given, which the Privy Council considered likely to prevent the spread of the disease.

In reply to Mr. Hunt,—

Sir Robert Peel said, that the object of the bill now under discussion was to afford seasonable relief to all who were distressed; therefore, the extraordinary powers with which the Privy Council were invested, would of course apply to the Guards in common with the remainder of the community.

The Bill was ordered to be read a third time the next day, and then engrossed.

CASE OF CAPTAIN SARTORIUS.

FEBRUARY 17, 1832.

Captain Yorke called the attention of ministers to the following paragraph which appeared in *The Times* of the 15th inst.

“Letters from Belleisle of the 10th, announce the sailing, on that day, of the first

division of the Portuguese expedition. The following order of the day, addressed more particularly to the English auxiliaries, was issued by Admiral Sartorius on the occasion. Order of the day.—The Commander-in-Chief of the expedition hastens to make known to the seamen and soldiers of the division, that his Imperial Majesty has been pleased to confirm the gift of the equipments which the Vice-Admiral, in his reliance on the well-known high-mindedness of the emperor, had taken upon him to promise. His Majesty has, moreover, not only ratified the allowance of 55s. monthly pay, but, in order to testify his high opinion of the English seamen and soldiers, especially with regard to those who are under the command of the Vice-Admiral, he has increased that pay by 5s. a month, during all the time that the Queen's flag shall remain hoisted on their vessels. The Vice-Admiral calls on his shipmates to second his efforts with heart and hand in a cause which, next to that of their king and country, is the most noble that an Englishman can serve—a cause laudably undertaken for the purpose of restoring an august Princess to her Throne—of opening the dungeons of thousands of victims, whose only crime has been fidelity to their duty and their oath—and of enabling Portugal to regain that constitutional liberty which has so greatly contributed in giving to your own country the sovereignty of the seas, and placing you among the first nations of the world. His Majesty's intentions are humane and conciliatory; but if they are disregarded, it will be then for us to prove, as true Britons, with the help of Providence, that reliance has not in vain been placed in our courage and our arms, for the purpose of succouring the oppressed, and procuring the liberation of the innocent.

"BELLISLE, Feb. 4."

He wished to know whether Admiral Sartorius held a commission in his Majesty's service?

Sir James Graham replied in the affirmative.

Colonel Davies was surprised, after the debate relating to Portuguese affairs a few nights since, to hear his hon. colleague take the opportunity of reviving that discussion.

SIR ROBERT PEEL observed, that the advice of the hon. gentleman, in recommending his hon. colleague not to revive the debate on the affairs of Portugal, was much better than his example. He presumed that the right hon. gentleman was aware that, by the Foreign Enlistment Act, any person, a subject of his Majesty, who should, without licence from the king, accept a commission from a foreign state, was thereby guilty of a misdemeanour, and might be punished by fine and imprisonment. He therefore must say, that he thought the conduct of Captain Sartorius deserving the cognizance of his Majesty's government.

In reply to Sir James Graham,—

Sir Robert Peel protested against the supposition, that a question of this kind was always put to the government from a spirit of party, and with a view to oppress individuals. He did not think that, in the present case, it would be necessary to act with severity. It was not necessary to remove the officer from the British service; but his Majesty might recall him from the foreign service, and, if he did not choose to obey that call, might then dismiss him. His Majesty possessed the requisite power, and it was a power that might be most beneficially employed.

PARLIAMENTARY REFORM.

FEBRUARY 21, 1832.

Lord Althorp moved the Order of the Day, for the House to resolve itself into a Committee on the Parliamentary Reform Bill for England.

The Chairman having put the question, that "Appleby, in Westmoreland, stand part of schedule A,"—

SIR ROBERT PEEL, in reply to some remarks by Mr. John Smith, begged to assure the hon. gentleman that he was labouring under a complete misconception. If the hon. gentleman had heard what had fallen from him on the occasion to which he had alluded, he was quite sure that he could not have fallen into his present error. The amount of the assessed taxes was taken up to a period prior to the introduction

of the Reform Bill, so that it was quite impossible that the hon. gentleman could have paid them in Midhurst with a view to increase the proportionate estimate of that place. When he had alluded to Midhurst, he had only said—suppose the hon. gentleman should pay his assessed taxes in that borough, the effect would be to raise the proportion of Midhurst in the scale; and from this proposition he had argued, that to take the assessed taxes as a criterion of the importance of a place was manifestly unjust; because the law permitted those taxes to be paid either on the spot, or at a distance, and therefore the test was a fallacious one. But he begged to assure the hon. gentleman, that in all this he had not made the least personal reference to him. At all events he hoped, that it was no reflection on any body to pay his taxes in a parish in which he did not reside, for that happened to be his own case. With respect to the question immediately before the House, relating to the borough of Appleby, the main consideration was, the limits of the borough; and he had no hesitation in declaring, that, in his opinion, the boundaries of the barony and of the borough were, and ought to be considered, the same. Anciently a barony and a borough meant the same thing. The borough meant that place in which the Court-leet was held, and comprehended the boundaries within which the burghage tenure houses were. The perambulation of 1741 purported to be made by the Mayor, Aldermen, and inhabitants of the borough. The position of the gates could not determine the question of boundaries, for it was natural to suppose that, for convenience sake, they were placed as near the town as possible. His opinion was, that all parts within the limits of the ancient barony should have been taken in by the commissioners. On these grounds he should vote for placing Appleby in schedule B.

On a division the numbers were, Ayes, 256; Noes, 143; majority, 113.—Appleby was placed in Schedule A.

On the question that Petersfield stand part of Schedule B:—

Mr. Sheil and Lord Althorp having addressed the House, the former moving as an amendment, that “The borough of Petersfield be added to Schedule A,” which was opposed by Lord Althorp,—

Sir Robert Peel observed, that the speech of the noble lord opposite, short as it was, was pregnant with important matter, with matter that excited conflicting feelings—some of alarm, others of consolation. Of alarm, because the noble lord now admitted, that this measure of reform was not a permanent and final measure. That it would not be permanent he (Sir Robert Peel) had often declared, and he had now the authority of the noble lord for repeating the assertion. What did the noble lord say? That the addition of Petersfield to schedule A was not prudent at the present moment. The noble lord did not wish to save Petersfield; but thought it would not be prudent at present to extinguish its franchise. What was this but to admit, that the present concession of that franchise was founded on no principle—and was merely a sacrifice to a temporary expediency. What became, then, of the final and permanent character of the Reform Bill? This was a reflection of anxiety and alarm; but it was attended with a reflection of a consolatory nature. He rejoiced to hear from the noble lord, that no violent interference with the conduct of the House of Peers would be attempted. Such was the necessary inference from the noble lord's observation as to the policy of not adding Petersfield to schedule A. If the votes of the House of Peers in opposition to the bill were to be overborne by a great addition to the peerage, it was a matter of indifference whether Petersfield was or was not included in schedule A. As to the very clear and convincing speech of the hon. and learned member opposite (Mr. Sheil), he begged to say, that with every word of it he most fully concurred. The hon. and learned member had demonstrated the absurdities which had existed in the bill, and, so far as that went, he (Sir Robert Peel) fully concurred with the hon. and learned member. He regretted, however, that the hon. and learned member had not favoured the House with his speech before the fifty-six boroughs had been disfranchised. As to the motion itself, he rejoiced to find, from the dictum of the noble lord, that Petersfield was safe, and he should support the noble lord in keeping it so.

The original motion for inserting Petersfield in schedule B agreed to.

MASTER OF THE ROLLS (IRELAND) BILL.

FEBRUARY 22, 1832.

Mr. Knight moved the Order of the Day for the House to resolve itself into a Committee on the above bill.

On the question being put that the speaker leave the chair,—

Mr. Stanley moved that the bill be committed that day six months.

Mr. James L. Knight, Mr. Crampton, Mr. O'Connell, and the Attorney-general, having spoken on the subject,—

SIR ROBERT PEEL said, there may be some advantage in breaking the tenor of this debate, which has hitherto proceeded from one professional gentleman to another in uninterrupted succession; and I, therefore, take the liberty of offering myself to the House for a few minutes, more especially, as I think the question lies in an exceedingly small compass, and that a long series of legal arguments only tends to embarrass it. I, therefore, being an unlearned and an untechnical person, shall beg leave to address myself to that portion of the House which, I dare say, is but little disposed to enter into the abstruseness and technical nicety of the legal part of the question. In the first place, I beg to say, that I differ from the hon. and learned member for Kerry; for, till I shall hear the fact announced from the chair, I will never believe that a majority of this House will consent to stifle the bill thus early, without even allowing its clauses to be examined in a committee. I know, that there is in this House a general disposition among members to act with their party, and it is right that it should be so; for no party could exist unless its members were willing to sacrifice their individual opinions on minor details, for the purpose of combining together the more efficiently. But, Sir, I have had some experience of the House of Commons; and, on a question of mere individual justice, I have rarely witnessed the interference of political or party feeling; and I therefore feel satisfied, that, in the present case, members will be guided in their votes by a sense of justice alone. The whole of the argument of the hon. and learned gentleman opposite seems to me to have been built on the hypothesis, that the Master of the Rolls has been guilty of negligence in not having claimed this right before, and that, therefore, we ought to punish him by refusing him his right now. But I, as a member of parliament, have nothing to do with the negligence of Sir William Macmahon, even if it be proved. If he has been negligent, let him be punished, if you please; but I contend that this is a matter of principle, and that we have no right to let the negligence of the individual holder of an office militate to the prejudice of the office. I cannot conceive a more dangerous principle to act upon than that laid down by the hon. and learned gentleman; for if once admitted, it would immediately open the door to all sorts of collusion. Our duty is to look to the constitution of the office: and the public objects for which it was established. It has been asked whether the House of Commons will undertake to decide between adverse claims; for the Attorney-general says, that we are called upon by this bill to adjudicate this question. No such thing. All that we shall do by this bill will be to give the adjudication of the question to an impartial tribunal. The hon. and learned gentleman has endeavoured to illustrate his argument by saying, that if a man was in possession of an acre of land for twenty years, the Court of Chancery would not interfere to deprive him of that possession. Very true. But here is one of the claimants to the acre that decides in favour of his own claim, and will permit no appeal from his own decision; and all that we want to do by this bill is, to remove so monstrous an injustice. The hon. and learned gentleman has told us, that there is no legal right in this country without a remedy. But we say, in answer—here is a legal right without its remedy; for an action for fees will not lie; and, by the Lord Chancellor, a bar has been placed to the trial of the question by a fair tribunal. Sir William Macmahon has taken the highest legal opinions, and they all concur in saying, that no trial can be had as the law stands at present. After this, I ask, will the hon. and learned gentleman consent to stifle a bill which proposes a remedy for a wrong, and thus exemplifies and carries into effect the very doctrine that he himself has propounded. And now let me request all those who are ready to forget political feeling on this occasion, to consider what is the object of the present bill? The whole of that object is, that this question may be tried before an impartial tribunal. Is that

just, or is it not? Is there a sufficiently strong *prima facie* case set forth to make this demand a just one? If I do not prove to the satisfaction of every one, that there is such a *prima facie* case made out, I can only say, that I shall be more disappointed in the result of this argument than ever I was in my life. When this question was originally brought before the House by my hon. and much lamented friend, the late Mr. North, long before government took any part in it—long before any heat or warmth on either side was displayed—several hon. gentlemen took part in the discussion, and every one agreed that this House was bound to facilitate the decision of this question before a fair and unobjectionable tribunal. From the list of gentlemen who spoke on that occasion, I will select a few names; and I will take on myself to say, that if it were intended to refer the matter to arbitration, not one of those names could be objected to as arbitrators. I find among the speakers on that occasion, the names of the present Solicitor-general for Ireland, who said, "With respect to Lord Plunkett, he would not take on himself to say what would be his decision on the case, should it come under his notice; but, at all events, he might remark, that the Lord Chancellor had no power of his own to reverse the decision, till it was legally brought before him by one of the parties in the shape of a rehearing, and that had not been done; so that, at present, of course the two previous judicial orders of Lord Ponsonby and Sir Anthony Hart remained as they did." I find, also, the hon. member for Stafford (Mr. John Campbell), whose opinion was, that, from the character of the noble lord who was now Lord Chancellor for Ireland, he would at once yield the point without carrying the case to trial. Mr. Cutlar Fergusson said on that occasion, "For his own part, he had formed a decided opinion upon the merits of the case, and he was bound to say, he had not a doubt that the Master of the Rolls, as the independent Judge of an independent court, ought to appoint his own Secretary. The present state of things, by which he was deprived of that right, ought to endure no longer." And Mr. Serjeant Wilde said, that "he hoped that the present Lord Chancellor would co-operate with the Master of the Rolls to have this question investigated. He was, however, strongly inclined to believe, that the right of appointment rested with the Master of the Rolls." I believe it is not irregular to allude to those gentlemen by name, as the debate has now become a matter of history. The opinion of all these four gentlemen was unanimous that enquiry ought to take place, and that the decision of the question ought to be referred to a competent tribunal. But I do not ask the House to act fully up to the principle laid down by these hon. and learned gentlemen; I only ask, that, as there are great doubts as to the right, that it will permit the matter to go before a competent tribunal. The question now is, that this bill should be examined in committee—at all events, let it go there—let alterations be made in it, if you please—let care be taken that there is not the slightest word inserted to favour or prejudice the claim of either party; but do not stifle a bill that has only justice for its object. In the simplest matters care is taken by the law that a magistrate shall not be judge in his own cause; and there is a peculiar necessity for this salutary precaution in that country of which Lord Plunkett is the Lord Chancellor. But if it is right that the magistrates should be thus checked, let him who has the selection and the superintendence of those magistrates, be enabled by this bill to assume that high tone which he ought to assume. The duty of his great trust is to control the partial and interested acts of those who have judicial authority, to remove the obstructions to equal justice, to prevent the commission of wrong by men being judges in their own cause. To empower him to do this with authority and effect, let us remove this impediment to justice, and relieve the Lord Chancellor himself from the painful and invidious task of being a judge without appeal in his own cause.

The House divided on the original motion: Ayes, 84; Noes, 88; majority, 4.

PARLIAMENTARY REFORM.

FEBRUARY 28, 1832.

On the motion of Lord John Russell, the House resolved itself into a committee on the Parliamentary Reform Bill for England.

On the question that Greenwich, Kent, stand part of schedule C,—

SIR ROBERT PEEL said, that in the report there was a distinction drawn between

this borough and the four metropolitan boroughs; but he considered it as much a part of the metropolis as the Tower Hamlets. He did not waive his right to object to Greenwich having members; but as his noble friend (the Marquis of Chandos) had a motion on the metropolitan boroughs, he thought it better not to anticipate that discussion, and would therefore postpone his observations on the point.

Question agreed to. A long discussion ensued on the question, that the Tower Hamlets, Middlesex, stand part of schedule C.

Rising after Mr. Charles Grant,—

SIR ROBERT PEEL congratulated his right hon. friend—and he assured him, he congratulated him unfeignedly—on the recovery, after so long a silence, of that eloquence with which he had so often delighted the House. His right hon. friend was disposed to contend that, in founding a new system of representation, his Majesty's ministers were not bound to state the reasons upon which they founded it. He could not but think that it would have been safer for his right hon. friend to have adhered to that prudent reserve, and not to have condescended, out of the abundance of his reasons, to have favoured the House with that one argument which he declared to be most just and unanswerable. The argument which his right hon. friend deemed so convincing was this, that, whereas London had always had a preponderance in the representation, therefore it would be an insult to the metropolis—seeing its advance in population, wealth, and commerce—not to give it an increase of representatives, when members were given to places heretofore unrepresented. But he was sure that his right hon. friend was too just to confine his principle to London, and to deny that, if London had such a claim, in consequence of its increased importance, other parts of the kingdom were also entitled to an extended representation, on the same account. Take the case of two of the most considerable towns in his Majesty's dominions—Liverpool and Dublin. If his right hon. friend was borne out in the position that, according to reason and the constitution, those places which formerly held a preponderance in representation over others to which they were superior in population and importance, should now receive an increase of representation proportioned to their increase of wealth and population; then he would take Liverpool, for instance, and would ask, what had his Majesty's ministers done in respect to that town? He found that, in ancient times, that place had two representatives, the same number as either Tamworth or Calne—places, possibly, at some remote period of history not inferior to Liverpool. But Liverpool had since increased beyond example. It was now a great commercial town, of far greater importance than either of the others, and it had held out to all other places a glorious example, not only of commercial enterprise, but of the advancement of science, and the cultivation of the liberal arts. Well, what had been given to Liverpool? Calne was still to have two members, and Liverpool was to have no more. It was childish, he apprehended, to argue, that because London was the metropolis, that therefore it ought to be treated differently. He supposed his right hon. friend never meant to assert such a proposition, that because the population of London had been increased, its representation should be increased also, on the special ground that it was the metropolitan city. [Mr. Charles Grant: Yes.] Well, then, he would try the argument of his right hon. friend further. He never understood that, because a member represented London, he was entitled to more weight and consideration than another, representing a distant city. He knew of no pre-eminence enjoyed by the members for London, save, indeed, that high privilege of being entitled once in every parliament to sit at the right hand of the speaker. That ceremony done with, he had always thought that all members stood there as equals, and that the vote of one was as good and as potent as the vote of another. It appeared, however, that he was mistaken. But if that was the case, did it not rather furnish a reason against increasing the number of representatives for London? But he would repeat, if the districts around the metropolis were to have additional members, why was Liverpool restricted to the number of two? By the bill, two members were given to other places not to be compared to Liverpool in any manner whatever. But had Liverpool even retained its two members? Had not other districts been included within that borough? It had been said by an hon. gentleman, that Toxteth-park, in its vicinity, was a small place, and unworthy of consideration. It contained, however, no fewer than 26,000 inhabitants. Then the case of Liverpool was this—

that the number of members remained the same, ~~but the district returning~~ those members was greatly enlarged. Had then the same principles, the same measure of justice, which was applied to the metropolis, been applied to Liverpool. The answer was, "No; but then Liverpool is not a metropolis." A bad answer in the case of Liverpool. But a much worse in the case of the next city he would name—the city of Dublin. Here was a metropolitan city; but you had denied her this advantage, which you pretended to be specially due to a metropolis. Belfast had one member only before the present bill; so had the city of Limerick; so had the town of Galway, and the city of Waterford. Dublin had two members. Dublin had increased in population, wealth, and prosperity. They were about to give an additional member to each of the places he had just stated, viz., to Belfast, Limerick, Galway, and Waterford; but Dublin was to remain without addition. According, therefore, to the argument of his right hon. friend—the unanswerable argument as it was called—Dublin being a metropolis, was degraded and insulted. Let it not be supposed that he (Sir R. Peel) admitted the justice of the argument. Far from it. He as much denied that it was an insult to Dublin to increase the representation of Cork, without increasing the representation of the former city, as he denied that it was an insult to London to increase the representation of Manchester, without adding to the representatives of the metropolis. He only wished to show, that the argument of his right hon. friend was not unanswerable, and that if it were just, it would apply equally to twenty other places as to London. He would now proceed to notice the speech of the learned member for Calne—a speech which contained many arguments, applicable rather to the general measure, than to the immediate question; and as he had no wish on the present occasion to involve himself in a general discussion of the measure of reform, he would only notice such arguments of the learned member as related to the question before the House. That learned gentleman assumed, that the Reform Bill would ensure the happiness of the country, by making the form of the government more democratical. If that assumption, respecting the effects of the whole measure, were well founded, he should be prepared to admit, that it was expedient to give additional members to the metropolis. But he did not admit the truth of the assumption. He denied that the principle was established, that the happiness of this country would be extended by making the form of the government more democratical. The learned gentleman laid down his position broadly, and without reserve or qualification, and he must contend, that consistently with that position, a monarchy could not be defended or maintained. His attachment to monarchy was a rational attachment, founded on the conviction, that where it controlled the democratic principle, it controlled it for the benefit of the governed—that, secured as it was from encroachment and abuse by a system of reciprocal control, a limited monarchy gave a stability to government, a defence equally against popular violence and military despotism, and a protection to regulated freedom which no democratic form of government could permanently afford. No increase, therefore, of democratic power which trench upon the authority of the Crown, could be, in his opinion, for the benefit of the people, however flattering to their vanity. He would dwell no more upon that argument, as it applied more to the principle of the bill than to the particular clause under discussion. In reference to that clause the learned gentleman had said, that if the House did not grant the increase of representation to the metropolitan districts, the first act of a reformed parliament would be to grant it. But why should it be the first act of a reformed parliament to grant it specially to them, when it could be shown that many other places were equally entitled to an increased representation? Why should they be selected for the special favour of the reformed parliament? Was it on account of their vicinity to the House that this favour would be granted? Was it on account of the greater facility which they presented of bringing the influence of aggregate numbers to bear upon the deliberations of the House? If it was, might there not be reason to apprehend that the influence of their representatives, backed by a similar support of vicinity and numbers, would be unduly great? But the hon. gentleman said, that it was necessary to give those new members to the metropolitan districts, because representation would operate as a safety-valve against disorder. He begged to ask the House, if facts bore out that assertion? Before it was taken for granted that representation conceded to large bodies of men, congregated together in towns,

would operate as a safety-valve to disorder, it ought to be enquired whether that assertion, however plausible it might seem, was borne out by experience. Look to Paris, which had a great preponderance in the representation of France. Was that city remarkable above the other departments for its order and tranquillity? The department of the Seine sent fifteen members to the Chamber of Deputies; but he could not find, that, in consequence of its enjoying so large a share of the representation, Paris was more quiet and free from political excitement and disorder than the rest of France. He was not speaking of the old despotic periods, when the Bourbons ruled with absolute power; but he was speaking of recent times, and he could not find that the tranquillity of Paris, as compared with the rest of France, had been in proportion to the greater share which it possessed in the representation. Turning to the history of this country, and looking to the most memorable riots that had occurred here, although London had stood pre-eminent in the representation, he could not find that it had been pre-eminently tranquil. Looking to the riots which took place in the years 1780 and 1815, he could not say that representation had acted as a check upon disorder. In fact, religious or political excitement would always act upon large bodies of men, unabated by any consideration that they were represented, because such a consideration never occurred to them whilst under the influence of the excitement. Much of the argument in support of the proposition upon which the House had that night to decide, rested upon the assumption, that the existence of representation, and of an extended right of suffrage, prevented disorders. He would beg of the House to advert to some facts which must have come recently within their observation—and which seemed certainly at variance with the theory. There had been of late three special commissions, for the trial of persons charged with serious outrages against life and property, and those outrages were the offspring of political excitement. Were the towns which had been disgraced by them large unrepresented places, driven to madness by the withholding of their franchise? No such thing. The towns—the only towns in which disorder had prevailed—the only towns to which special commissions had been sent—were three towns, Bristol, Nottingham, and Derby—which had the safety-valve—viz., the right of representation, and yet were the sole sufferers from explosion. He could not, therefore, concede as a matter of course, in the face of such facts, that representation would be efficient as a remedy for popular disturbances. Did he, therefore, regard the right of sending members to parliament as a right that ought to be abridged? On the contrary, he was quite of the opposite opinion. All he meant to contend for was, that an extended right of suffrage was not a certain cure for the spirit of disorder. Indeed, in the case of Scotland, they had another proof to the contrary. In Scotland, up to the year 1831, there was the greatest order concurrent with the least popular right of election. He now came to a consideration which he deemed of much importance, and to which he should beg the special attention of the House. He would assume that the principles of reform, as recognised in that bill, were such as ought to be adopted by the House. He would assume—than which nothing could be further from the truth—that the bill was, generally speaking, calculated to carry the sound principles of reform into beneficial effect; but did it therefore follow, that consistency required that every member who gave a general support to the bill should, therefore, vote unconditionally for the metropolitan clauses? The matter resolved itself into two questions, different in themselves. The first question which required consideration was, whether it was right to give these additional members to the metropolitan districts? The second question for consideration was, whether, in the event of their deciding that it was right to give those additional members, the constituency, as laid down by the bill, was such a one as ought to be adopted? With the additional members the metropolitan districts would have no less than twenty-two representatives, including those for the county of Middlesex, and for Greenwich—a number which he conceived to be enormous. It was a number out of all proportion to the other parts of the kingdom. A very small degree of reflection would enable the House to see the mode in which the influence thus created could not fail to act. These two-and-twenty members would first have the advantage in all probability of being resident on the spot—they would also, during their attendance in parliament, be in constant communication with their constituents—under the immediate force and control of their

influence. Thus would there be in that House a body of two-and-twenty individuals, with every facility for combination, and with every means of acting in that House upon the immediate, and therefore ill-considered, commands of their constituents out of doors. It must be obvious to all who heard him, that the members returned to sit for the metropolis would represent a political, rather than a manufacturing or commercial interest, and that political interest in general, a popular or democratic interest. The moral influence of those twenty members representing, as it were, the seat of government, and deriving increased power from daily contact with the masses of whom they were the delegates, would far exceed the influence of twice the number of representatives sent from remote agricultural districts. It was said, that the same principle of qualification which was applied to the metropolitan districts was also applied to the smallest borough which had escaped, and barely escaped, schedule B—and such was the fact. But, though it was the same principle in name, he should in a short time clearly prove to the House that it was not in reality the same. Where it was perfectly safe to extend the constituency, there the ministers had curtailed it by this bill; and where it was dangerous to extend it, in those places had they extended it. The £10 voters in the country were not liable to be drawn into combinations, nor were they liable to be swayed by the daily influence of the press, as they were in large towns. In the country districts, the house rented at £10 was a house of a much better description than the house rented at the same sum in a large town. If, in the country, £10 rent was the fit minimum of qualification, a much larger amount should be the minimum in the large manufacturing town. But, comparing the metropolitan districts with large, nay, with the largest towns, he should contend that, on the principles of this bill, the constituent body established in those districts was manifestly too numerous. It appeared from the papers on the table, that the estimated amount of the constituency of twenty-six of the largest places enfranchised by this bill, was, for the whole, about 50,000. The probable number of qualified voters in the metropolitan districts alone, appeared to be not less than 59,000. In order to prove how totally different was the £10 franchise—though nominally the same in the London districts and the country towns—how much more popular was the right of voting, conferred by that franchise, in the one than in the other, he would call the attention of the House to seven of the boroughs in the agricultural districts, and, in order that no unfairness might be imputed to him in the selection, he would take the first seven in the list. In Abingdon, the first in the list, the number of houses were 1,114, while the number of houses above £10 value was only 154, being about at the rate of seven to one. In Barnstable, the proportion was about two and a half to one. In short, upon the whole seven towns the average proportion was about eight to one. When, however, he looked to London he found a most extraordinary difference, which would clearly show that a £10 franchise in the county towns was far higher than a £10 franchise in the metropolis, and that therefore the bill would give a much more extensive franchise in the great towns than it would give in the small boroughs. He would, in the first instance, take the population returns of St. Giles's, Bloomsbury, for the year 1831, by which it appeared that the total number of houses in that parish was 4,456, or, deducting uninhabited houses, 4,025. The House would of course believe, from these returns, that there could not be so many voters; but what was the fact? There were actually more. The rate-payers amounted to 3,337, the houses compounded for to 436; which, with the other persons entitled to vote, according to the paper which he held in his hand, would give no less than 4,280 voters. In the next parish there was a confirmation of the extent to which the suffrage would be extended by this bill. Indeed this suffrage was greater than if universal suffrage were given to all householders. St. Andrew's, Holborn, and St. George the Martyr, contained 300 houses, of which there were not fifty under the value of £10. Paddington contained 1,126 houses, while the number of persons rated as occupiers were no less than 1,329, being no less than 200 more than there were houses in the parish. It was said, that this was a mistake, and that the papers were wrong. If so, he would reply that ministers had no right to call upon them to legislate upon papers confessedly erroneous. St. Pancras exhibited the same result. It contained, by the return, 8,424 houses. The houses rated below £10, but which, being worth more, conferred a right of voting, amounted to 504, while the actual rate-payers amounted to 7,998; thus giving to 8,424 houses no less than 8,502 voters. Did not

this prove that they were giving a more extensive right of voting than if they had at once extended the franchise to every householder? He would ask the supporters of the bill, if they were sure that they could, by means of it, rally round them the middle classes of the metropolis, and not the numbers, as he would call them, in contradistinction to its wealth and respectability? He thought it was wrong to give so many as twenty-two members to the metropolis; but, if they had made up their minds to do so, he still called upon them to consider well before they determined upon the class of persons they should select as a constituency. He called upon them not to select persons for the exercise of the elective franchise, whose landlords they compelled to compound for the rates of the houses, occupied by such persons, on account of their property. These were matters of great importance; for, if the House should come to an unwise decision upon them, the step would be irrevocable. Should this measure pass, there would come hereafter such a pressure upon their doors as no internal strength could resist. Should they on this occasion act unwisely in their decision, did they imagine that they could retrace their steps? The difficulty of retreating would be tenfold greater than that of pausing, and anxiously considering before they granted such a franchise; a franchise, in his opinion, little qualified to ensure the representation of that which ought to be represented—the property, the intelligence, the commerce, the honour, and the character, of this great city.

Mr. Charles Grant, in explanation, said, that he had contended that it was usual for the metropolis to have greater influence than other places; but he considered that the metropolitan districts would be in the condition of so many separate towns sending representatives to parliament. The argument which his right hon. friend had answered, was his own, and not one that he (Mr. Grant) had used.

On a division the numbers were; Ayes, 316; Noes, 236; majority, 80. The district of the Tower Hamlets was accordingly placed in schedule C.

MARCH 2, 1832.

Lord John Russell, in a speech made up of statistics, pointed out several inaccuracies in Sir Robert Peel's speech of February 28, and contended that the right hon. baronet's statement must have been founded on the census of 1821 instead of that of 1831.

SIR ROBERT PEEL said, that he was obliged to the noble lord for the courtesy with which he had endeavoured to set him right as to the error which he supposed him to have committed. He begged, however, that hon. members would recollect, that the discussion which the noble lord had just re-opened was not a discussion of his (Sir R. Peel's) seeking, but of the noble lord's. He wished that he could impress upon the House the same sense of the importance of this question which he felt himself, and thereby establish the necessity of giving further time for the consideration of the character of the new constituency which the Reform Bill would create in the metropolis. In the calculations which he had made, he had always referred to the latest documents on the table, and the latest document which he could find relative to the number of houses was the census of 1821. The House must be aware, that the number of families was larger than the number of houses in the metropolis. In the Tower division, for instance, there were 47,176 houses, and 69,337 families; and in Christ Church, Spitalfields, 2,300 houses, and 4,752 families. As this bill permitted two or more occupiers to vote for the same house, provided they each paid a £10 rent, it was clear that, as there was a large excess in the number of families above the number of houses, there might also be a large excess in the number of voters above the number of houses in each parish. He would exemplify his meaning, by referring to the parish of Mile-end, Old-town. He did not know what number of houses that parish contained by the census of 1831, but, by the census of 1821, it contained 4,284. According to the report of the commissioners, how many voters were there in that parish? There were 3,017 occupiers of houses rated above £10; there were 119 occupiers rated above £10 excused payment of taxes; there were fifty-two compounded for above £10,—making a total of 3,188 occupiers above £10. But, if the noble lord would only take the trouble of looking at the last column, he would see that the number of houses rated under £10, but worth more, was 2,307; and observe, that by this bill it was the real value of the house, and not the rate, which established the right of voting. In this parish, then,

of Mile-end, there were 2,307 houses rated under £10, but worth more; but the occupiers of these houses would be entitled to vote, because their real value was above £10. Add, then, to the 3,188 occupiers of houses rated above £10, the 2,307 occupiers of houses worth £10 a-year, and you would have 5,485 voters in that single parish, and yet, by the census of 1821, that parish did not contain more than 4,284 houses. By a statement in page 18 of the census it appeared, that the total number of houses in the parish of St. Pancras in 1831, was 13,673. But the House was not about to take the whole parish of St. Pancras into the Marylebone borough, for the northern part of it was more of a rural than a town character. The commissioners had, therefore, recommended that the Regent's Canal should form the northern boundary of the borough in that direction, especially as there were no legal boundaries of which they could avail themselves, and the Canal formed a very eligible artificial one. The total number of houses in the whole parish, as he had before stated, was 13,673. How many were excluded by this artificial division he could not tell. There were, however, in the parish of St. Pancras, south of the Regent's Canal, 7,998 occupiers of houses rated above £10; 1,021 occupiers excused payment of taxes; 124 rated as landlords, and 465 houses compounded for. Besides these, there were 504 houses rated under £10, but worth more. Add these together, and you will find that you have 10,122 voters in this part of the parish alone. So far was the noble lord from having removed the impression which these calculations had made upon his (Sir R. Peel's) mind, by the speech which he had just delivered, that it had actually increased the anxiety and apprehension with which he had previously contemplated the numerous constituency established by this bill in the metropolitan districts. But, he begged to ask, did the House know what the right of voting would be in the metropolitan districts? The substance of the enactments of the Reform Bill, stripped of technicalities, was as follows:—In every borough, every male person occupying as owner or tenant any house or shop, of the clear yearly value of not less than £10, shall be entitled to vote, if duly registered. But no person shall be registered in any future year, unless he shall have occupied the premises one year before the last day of July, nor unless he shall have been rated to the relief of the poor during his occupation; nor unless he shall have paid, before the 20th of July, all the poor-rates and assessed taxes which shall have become payable from him previously to the 6th of April. Joint occupiers may vote, if, where there are three occupiers, the yearly value of the house is £30. Every occupier may claim to be rated whether the landlord be liable to be rated or not, and upon paying the amount then due of the rates, if any be due, his name shall be put upon the rate. If the landlord is liable to the rate, and if the tenant, after claiming to be rated, shall make default, the payment of the rate by the landlord shall still remain due. Here he would pause, in order to call the attention of the House to the different manner in which the occupiers of £10 houses were treated by this bill and by the general law of the land. The general law of the land looked upon their solvency with a suspicious eye, for it held the landlords of all such tenements responsible for the rates and taxes accruing for them; and in the metropolis, the rates of such tenements were generally compounded for by their owners with the parish; and yet it was to persons placed thus pointedly under suspicion by the law, that this bill was going to entrust the elective franchise. But, to proceed. The voter must occupy premises within the parish of the clear yearly value of not less than £10; and it was further provided, that the premises must be rated for the payment of the poor's-rate during the period of his occupation. In this respect the 29th clause of the bill was most material, from the provisions of which he supposed, that whether the landlord of the premises be liable to be rated or not, the occupier might claim to be rated, and on the tender of the amount due up to the 6th of April, might have a claim and be entitled to vote. The clause did not say one word as to the rate which had been actually paid by either the tenant or the landlord. He called upon the noble lord opposite to consult some of the local Acts, and compare their provisions with regard to the regulations and qualifications for the right to vote on parochial concerns, and for the election of vestries. He would refer the noble lord in particular to the Act which regulated parochial elections in the parish of St. Giles, and compare in that Act the right of voting for parochial officers, compared with the right provided by this bill in voting on the choice of members of parliament. By the Act to which he had referred the

House, no man in the parish of St. Giles was entitled ~~to vote for vestrymen, who~~ occupied any house, shop, or premises, ~~and was rated at less than £25 per annum,~~ and none had a right to vote if the rates had been compounded. On the contrary, the House of Commons in the present bill enacted, that they might compound for the rates either by themselves or their landlords, and be entitled to vote for a member to serve in parliament, on a qualification, not of £25, but of £10. The Act which regulated the election of vestries in St. Giles's, and which probably was founded on accurate local knowledge, studiously excluded from the right of voting all persons whose solvency was at all doubtful. The right to vote in parish affairs was denied to those who paid their rents more frequently than quarterly; but, by the provisions of the present bill, if the occupier was a weekly tenant, and if his landlord had compounded for the rates, he had only to tender the rates due on the 6th of April, and he would be entitled to vote for a member to serve in parliament. These facts were established by the report of the commissioners, every line of which was important. The commissioners in their report said, that the landlord of property below a certain value compounded with the parochial authorities for the several rates to which his property might be liable, the parish consenting to receive a sum considerably less than that which could otherwise legally be levied on the same property. It was thus manifest, that the amount of rate was a most uncertain means of ascertaining the number of votes. The commissioners went on to state, that the composition so made might bear to the real value of the property compounded for, a proportion varying from one-half to four-fifths; so that it appeared a house might be compounded for at the rate of £5, and would still entitle the occupier to vote, being really of the value of £10. When he saw that, by the provisions of this bill, many persons occupying the same premises might be entitled to vote, he could not feel surprised that the number of voters should exceed the number of houses. He could not think such a system would be advantageous to the districts of the great metropolis of the country,—a system which established qualifications to vote for a member to represent the inhabitants, which very qualifications had been rejected with scorn by the parishes themselves in regard to their parochial affairs. He was borne out in his statement by the report of the commissioners appointed by the government for the purposes of this bill—a document which the more he considered, the more was he convinced that it was proposed to commit an important trust into the hands of those in whom it could not safely be reposed; and he felt satisfied that, when the House of Commons was about to give to one constituency twenty members, they ought to consider well the qualification of that constituency. That the noble lord had convicted him of any misunderstanding or misrepresentation as to the nature of the constituency, he begged most decidedly and firmly to deny.

The House then went into committee; and several clauses were agreed to.

MARCH 5, 1832.

On the motion of Lord John Russell, the House went into committee upon the Parliamentary Reform Bill for England.

On the question that Gateshead, Durham, stand part of schedule D,—

Colonel Wood proposed as an amendment, that "Gateshead, Durham, be struck out of schedule D, and Merthyr-Tydvil, Glamorganshire, be inserted in its stead."

In the debate which followed,—

SIR ROBERT PEEL, in reply to Lord John Russell said, he was always happy to be invited to the field of argument by the noble lord, though he must say, that the noble lord's present answer to an argument of his made last session was somewhat tardy, and not quite appropriate to the question before the committee. He was anxious to bring the question at issue within the smallest possible compass, and he should, therefore, confine himself to but one test of the solidity of the noble lord's reasoning, on which he preferred giving a member to Gateshead instead of Merthyr-Tydvil. He would take as his test the town of Toxteth-park, and he believed he should be able to show the noble lord, that, according to his own argument, and according to the principles of the bill, Toxteth-park was better entitled to a member than Gateshead. He would first take the relative amount of population in the two counties in which those places were respectively situate—Lancashire and Durham. The county of Durham, with a population of 253,000, had four members, and the county

of Lancaster, with a population of 1,335,000, was to have only four members. ~~Why, even throwing away one million,~~ still Lancashire was not so fully represented as Durham, for it would then have ~~80,000 people~~ more than Durham; and, if any argument could be drawn in favour of the representation of one town in preference to another, on account of the state of the county representation, the argument was clearly in favour of Toxteth-park. But, to consider the question with reference to the relative importance and claims of the two places themselves, the hon. member for Liverpool had, in a former discussion, stated, that the people of Toxteth-park were not at all anxious to have a separate representative, or to be severed from political connexion with the town of Liverpool. Now, he held in his hand the copy of a letter, addressed to the secretary for the Home department by the chairman of a public meeting held at Toxteth-park, in which an urgent claim was preferred for one member in the distribution of the representation. Having said so much with respect to the wishes of the people of Toxteth-park, he was also enabled to add, that they were not in the same parish with Liverpool, and that the magistrates of Liverpool exercised no jurisdiction in any part of the town. He had thus disposed of the three objections mainly relied on, namely, the absence of any wish on the part of Toxteth-park, and the two allegations—first, of its being a part of the parish of Liverpool—and, secondly, of its being included within the jurisdiction of the Liverpool magistrates. He would now proceed to consider the comparative claims of Toxteth-park and Gateshead, premising that Liverpool, with which it was proposed to leave Toxteth-park connected, had only two members for 165,000 persons, while Newcastle, from which they wished to separate Gateshead, had two members for 42,000. What, in the first place, was the relative value of property in Gateshead and Newcastle? By the returns of 1815, the annual value of the real property of Gateshead was £25,000 per annum; of Toxteth-park, in the same year, it was £27,000. The returns of last year, however, from Toxteth-park showed the enormous increase from that sum to £94,000. The population of Gateshead was 15,177; that of Toxteth-park, 24,000. But then it was said, that the progress which population and wealth were making, were most important elements in considering to what new places members should be given. That was true; but the more important were those elements, the more favourable did the case become for Toxteth-park; for, if ever there was a place in which population and wealth were increasing with wonderful rapidity, that place was Toxteth-park. According to the population returns, the people of Gateshead amounted, in 1801, to 8,600; in 1811, to 8,752; in 1821, to 11,800; in 1831, to 15,177. The progress in Toxteth-park was as follows: in 1801, 2,069; in 1811, 5,864; in 1821, 12,829; in 1831, 24,000; thus doubling itself with giant strides in every succeeding return. It had, at the present time, 2,617 houses of £10 a year value, and upwards. He could add but little to a statement of this kind in the way of argument. It was, he thought, most important, that, in distributing the representation, they should draw a distinction between places which were nearly stationary, or increasing slowly, and those which were increasing with the rapidity of Toxteth-park. He had shown that that place was not a part of Liverpool, and he believed its interests to be at least as distinct from those of Liverpool as were the interests of Gateshead from those of Newcastle. He must therefore contend, that, if there was any truth in figures, or if any conclusions could be drawn from plain statements of facts, Toxteth-park was entitled to a member in preference to Gateshead. The committee divided on the original question, Ayes, 214; Noes, 167; majority, 47. Gateshead was ordered to stand part of schedule D.

EXPEDITION OF THE FRENCH TO ITALY.

MARCH 7, 1832.

Sir Richard Vyvyan begged to ask the noble lord, the Secretary for the Foreign Department, whether, after the destination of the French troops was known, any communication passed between the government of France and our government on the subject? whether the French troops landed at Ancona with the sanction of his Britannic Majesty? and—what he conceived of greater importance—whether the

sovereign of the Papal states acquiesced in the plan of landing a band of French troops in the Papal territories?

Viscount Palmerston was of opinion that he could not, consistently with his duty, reply to the question of the hon. baronet; but it might be satisfactory that he should state that, so far as his Majesty's government were informed, he saw no reason to apprehend that the circumstances which led to the advance of the Austrian and French troops into the Papal territories might not be adjusted, without any interruption of the peace of Europe.

SIR ROBERT PEEL.—When my noble friend distinctly states,¹ that his public duty prevents him from answering the questions put by my hon. friend near me, I am very unwilling to press for any premature declarations; but in the present state of our information, I think it is impossible for us to view the proceedings taken on the part of the French government—I will not say, without suspicion, but certainly without very great anxiety and apprehension. I do not prefer any charge against the French government, because I have no materials on which I could found any charge; and because, although I would never consent to sacrifice the honour or the permanent interest of this country to maintain a good understanding with the French government, yet my noble friend himself cannot have a more sincere desire than I have, that that good understanding should not be interrupted. But, entertaining this feeling, I do not think it right that we should be withheld from doing our duty, as members of the British House of Commons, by any fear of offending the French government. In the observations which I am about to make, I beg to state distinctly, that I do not take part with the French or the Austrian governments; but if it appears, according to the statements which have been made, that a French corps, without any intimation having been made to other governments, has taken forcible possession of a part of the Papal territories, that is a matter of the gravest and most fearful importance, considered, not only as to its immediate and probable consequences, but as to the precedent which it affords, if the fact cannot be satisfactorily explained. If it shall appear, too, that this act of the French government was only intended to conciliate a party in France anxious for the delusions of military glory, all my apprehensions as to the danger of the precedent will be more strongly confirmed. In the last year the French government sent a large army into Belgium, without having previously obtained the consent of the Allies. France has also taken possession of a large territory on the south coast of the Mediterranean. French troops occupy a part of Greece (and I do not say that this occupation would afford any ground for observation if it stood alone); and, lastly, we see a detachment of French troops now taking possession of the Papal territory. I do not say that these acts of interference are not separately justifiable; but when we see a continuance and combination of these acts—of acts done without the union of the other allied powers—I say it gives me great apprehensions as to the maintenance of peace, and of that balance of power on which the permanent tranquillity of Europe so much depends. I refrain from saying more, because my noble friend has stated, that the time has not yet come for the discussion of those topics. Balancing the inconvenience of putting some questions on the subject against the advantage, I own I do see much greater advantage in putting the questions, than in letting it be supposed that such a subject has been passed by in total apathy by the British House of Commons.

Viscount Palmerston having explained,—

Sir Robert Peel said, it was not very easy to answer such statements as those just made by his noble friend, without some previous consideration. With regard to the French expedition to Algiers, however, he believed he might draw upon his recollection to state, that the assurances then made by France were, that, in the event of the expedition proving successful, she would seek to derive no benefit from that success, but would call in the other powers, to determine upon what permanent footing the state of Algiers should be placed. The understanding, no doubt, might have been satisfactory, but the question was, whether it had been fulfilled? With respect to Greece, he had already distinctly stated, that it would be impossible, from that single case, to found any suspicion against France; yet still the occupation of Greece, and the retention of a strong post in the Mediterranean, were examples which no one could say might not be dangerous if followed in other places; and he owned they afforded additional reason, in his mind, for viewing with some degree of

jealousy the descent now made on the papal territory. With respect to Belgium, he could not agree with his noble friend, that the evil had terminated when the French troops evacuated that country. The evil was in the example of a great power occupying part of an independent state, without being able to assign any satisfactory reason, nor having previously communicated with her allies.

The subject then dropped.

MUNICIPAL POLICE.

MARCH 7, 1832.

SIR ROBERT PEEL said, he should now put a question to the noble lord (the Chancellor of the Exchequer) on a subject connected with domestic policy, to which he hoped for a more satisfactory reply than that given by his noble friend (Lord Palmerston) to the questions put to him respecting foreign policy. It would be in the recollection of the House, that on the 6th of December last, in consequence of an address proposed by his Majesty's ministers, in which the House unanimously concurred, the House assured his Majesty that, in obedience to the recommendation contained in his most gracious speech, they would take into consideration some measure for the establishment of a municipal police in the cities and towns of the kingdom, with the view to the better maintenance of the public peace. This address having been presented to his Majesty early in the month of December, it was not unreasonable to suppose that his Majesty should now begin to enquire why parliament did not proceed to fulfil its promise. Without pressing that topic, however, he hoped he should not be considered premature if, after three months had passed, he enquired of the noble lord whether any measure was about to be brought forward? There was no part of his Majesty's speech of which he so much approved as the suggestion for the improvement of the municipal police—if by municipal was meant the police of large towns. It was a most important subject, and one which called for all the energy and attention of government; for, if it should be left to the local interests in the different towns, there was too much reason to fear that the intentions of government would be wholly defeated. He begged, therefore, to ask the noble lord, whether his Majesty's ministers had made up their mind as to the course they should pursue on this subject? whether they had made up their mind to introduce any measure for the establishment of the police; or whether they found the difficulties arising from local circumstances so great, that they thought it would be necessary to submit the question, in the first instance, to a committee?

Lord Althorp entirely concurred with the right hon. baronet, that this subject was one of considerable importance. It had been for some time under the consideration of government, and it was undoubtedly the intention of his Majesty's government to introduce a measure with respect to the establishment of a municipal police. He was not able to state, however, that the measure was yet in so perfect a form that it could be produced.

TITHES (IRELAND).

MARCH 8, 1832

Mr. Stanley moved, "That the House do resolve itself into a Committee of the whole House, and that the Speaker do leave the chair."

The question having been put,—

Mr. Brownlow concluded a long speech by moving as an amendment, "That with a view to a full enquiry into the whole question of tithes, and to the just appropriation of church property, the debate be adjourned till the whole of the enquiry be concluded by the tithe committee, and the evidence and the report be both laid before the House."

The amendment having been seconded,—

SIR ROBERT PEEL suggested that there would be a great advantage in separating

their views as to the order of proceeding, and as to the discussion of the principles of the proposition to be submitted by the government. There was at present a mixed discussion of two questions, and, till they were separated, they could reach no satisfactory conclusion. The hon. gentleman who moved the amendment, thought it would be better if his Majesty's government would come forward with a distinct proposition. In his opinion, it would be more satisfactory if his Majesty's government were enabled to state its proposition in committee, and for the House to dispose of it on its own merit, and avoid all discussion as to the form of proceedings. The question was, what course was most conformable to the usage and practice of the House; and, in offering his opinion on that, he gave no opinion on the merit of the propositions to be submitted to the committee. Reserving his opinion on them till the proper time came when they were proposed by the government, he must say, that the course proposed by the government was most conformable to the usages of the House. It was supposed that one part of these propositions was to vote money for the support of the clergy. If that were the case—as it was impossible that his Majesty's government could make any proposition of that kind except in committee—it surely would be inconvenient to discuss one part of the proposition in committee, and the other part while the Speaker was in the chair. There was also a standing order of the House—an order to provide a security against any sudden change in the religious establishments of the country, that no business relating to religion, or to the laws concerning religion, should ever be brought before the House till after it had been considered in committee and agreed to. He did not say, that the propositions of the government related precisely to religion, yet they were so connected with it, that it might be doubted whether it ought not first to be considered in committee. Besides, going into committee was an additional security against surprise. By assenting to the Speaker leaving the chair, hon. members pledged themselves to nothing; and though the resolutions might be approved of in committee, the House might reject them on bringing up the report. It afforded, therefore, an additional opportunity for discussion, and he considered that both friends and foes might concur in the course proposed by the right hon. gentleman. Going into committee was but a preliminary step; and only secured against precipitate discussion.

Towards the close of the debate,—

Mr. Jephson asked the right hon. secretary, whether he would go into committee, *pro forma*?

Mr. Stanley said, that he would not even go so far to-night; but would, on carrying his motion, not move that the Speaker leave the chair, but postpone the committee to a future night.

The House divided on Mr. Brownlow's amendment: Ayes, 31; Noes, 314—majority, 283.

Question put on the original motion, and committee postponed till Monday.

WEST INDIA COLONIES.

MARCH 9, 1832.

The Marquis of Chandos rose to ask his Majesty's Government whether any despatches had been received from the West Indies, and whether their contents were calculated to allay the extreme anxiety created by the intelligence received through other channels with regard to the Islands of Jamaica, Antigua, and St. Lucia?

Lord Howick said that despatches had been received that morning at the Colonial Office. The intelligence from Jamaica was on the whole satisfactory; with respect to the other parts of the West Indies to which the noble marquis had alluded, he was not aware that there was any thing in the state of those colonies of a nature to excite the slightest uneasiness.

A rather warm discussion having ensued,—

SIR ROBERT PEEL said, no one could feel astonishment that the remarks of the noble lord, the under secretary for the colonies, should excite comment. He, however, would abstain from entering into any consideration of the order in council to

which reference had been made. He must observe, however, that he was one of those who had protested not only against the mode of proceeding adopted by the government, but also against the tone and temper in which that mode was put in action. He well recollected the expressions which had been used by a gentleman of a high and honourable character, and who held an important judicial situation under the government. That hon. and learned gentleman had said, that he was authorized by the free people of colour in Jamaica, to say that they were ready to make a sacrifice of their property in their slaves. [Dr. Lushington expressed his dissent.]—Such was his recollection, and although he might be mistaken, nothing short of the explicit contradiction of the hon. and learned gentleman himself would lead him to that belief. There was also another statement made by the hon. and learned gentleman which likewise impressed itself on his mind at the time, and it was to this effect—that if the white inhabitants of Jamaica breathed a word of sedition against the government, he would undertake to say, that the free people of colour would be ready to rise and to support the government. Such were the sentiments propagated by the hon. and learned gentleman, and he lamented at the time to hear them, because they were calculated to defeat and not to forward the object which the House had in view. He lamented also the language which had been used on the same occasion by the noble lord (Lord Howick). Inexperienced as the noble lord was, he thought he would have acted only with becoming modesty and caution if he had taken a course far less positive and obnoxious. It was not only arbitrary but preposterous to say to a colony with a legislative assembly, you shall adopt an order in council, without the slightest alteration, as your law; that order in council being only in a state of preparation when that unmeasured declaration was made. At the time of that proceeding he stated he could not defend the conduct of the colonies. He thought the colonies tardy in adopting necessary and salutary regulations; but he also thought the means taken to compel them to adopt those regulations most unwise and most unjust. He well recollected it had been said, that all appeals had been made to the colonists which humanity could dictate, but that their avarice had overcome them. The course taken by the government, and those who supported its conduct, had excited stronger passions than even that of avarice. They had excited the passions of horror, pride, and jealousy. Whatever the noble lord and the government might think, those passions would be found too strong for control. Such was his recollection of what had transpired, and such his opinions respecting it, though he hoped that his anticipations would not be realized.

In reply to Dr. Lushington,—

Sir Robert Peel said, that even the language of the hon. and learned gentleman should not lead him into a discussion upon slavery. He was only anxious to prevent it from being supposed that he had uttered one syllable to the disparagement of the coloured population of Jamaica, or of any of our possessions in the West Indies.

PARLIAMENTARY REFORM.

MARCH 9, 1832.

The House resolved itself into a committee on the Parliamentary Reform Bill for England.

On the question that Whitby stand part of schedule D,—

SIR ROBERT PEEL, rising after Lord John Russell, said, he quite despaired of doing any thing with Whitby; the case was so very bad a one, and, judging from the past, the worse the case—the larger the majority in its support. He should imagine that the noble lord opposite would admit, that, even if he were successful in negativing the charge of undue partiality towards local interests, his success in refuting that charge would not be conclusive as to the propriety of selecting this place. During the course of these lengthened discussions, no one had abstained more than he had from making accusations of partiality against his Majesty's ministers. He wished to argue on the reason of each case, on that which was evident and notorious to all, because it was impossible for him to dive into the secret motives of the government. But he must contend, that his Majesty's government, when they were establishing

an entirely new franchise, were under a positive obligation to put the House in possession of the grounds on which they selected one town in preference to another. They had a great privilege to bestow; and no one could doubt that, where there were various and nicely balanced claims for that privilege, the decision upon such claims ought to be carefully and deliberately made, and upon principles of impartial justice. It had been truly observed, that this was a most important consideration in another point of view. The noble lord opposite had told the House, that it was their wish that this measure should be so far final as, at least, not to be subject to continual and annual change. It was of importance, then, that the parliaments which succeeded the present one should be enabled to say, "We will resist the innovations which are now proposed, because, in the year 1832, an arrangement was made which was founded on the principles of equity and justice, and they shall endure at least for a time." But if the decision was made upon unjust or erroneous grounds, it was utterly impossible that the arrangement could endure for a single session, because the new parliament would have a right to repudiate the decision of the present, if they could show that decision to be contrary to reason or to equity. The noble lord said, supposing towns had declined in population, there could be no reason why important interests should not be represented. This might be just with respect to such places as Portsmouth, or Plymouth, or Leeds. In an immense place which had contained a population of 70,000, he would admit that a small decrease in that amount was no reason why it should be unrepresented. He would admit to the noble lord, that supposing it had decreased 10,000, the remaining 60,000 would be sufficient to induce the House to give the place representation, conformably to the principles of this bill; but a place which contained no more than 7,000 inhabitants, ought not to acquire a new right in preference to other places much more populous and flourishing. Would the noble lord have the goodness to look to the return of the population of Whitby for the year 1831? The population of Whitby at that period was 7,765, and the amount of assessed taxes paid by it, £869. That was the claim the town of Whitby had to representation. It was no answer to say—"Oh, I am going to include a great district in the neighbourhood, which will swell the population up to 10,000." The question was, what claim the town of Whitby had, not the adjoining parish or district? How could this case be defended on any one assignable principle? How was it to be reconciled with the case of Dartmouth? If it were really of consequence to define the comparative importance of the places on which disfranchisement should fall, why should not the same principle be applied to the places which were to be enfranchised? Apply Lieut. Drummond's calculation to towns that will remain unrepresented; take their population and the amount of their assessed taxes, and many will be found with claims superior to those of either Whitby or Walsall. On what principle was Whitby to have a member? Was population the test? How did that agree with Merthyr-Tydvil? Were the shipping interests the test? The House were about to give two members to Liverpool, two only to Toxteth-park and Liverpool united. Would any man deny that the shipping interests would be better represented by three members to Liverpool, than by a separate one to Whitby? But, supposing he was told, "We think it right that Yorkshire should have another member. We will compare the number of members for the county of York with the population, and on this ground we will exclude Merthyr-Tydvil and Toxteth-park, and provide an additional representative for Yorkshire." If he was met with this assertion, he would ask, why then was Whitby chosen in preference to Doncaster? Whitby had a population of 7,765, and paid £869 in assessed taxes. Doncaster had 10,801 inhabitants, and paid £3,520 in assessed taxes, just four times as much as Whitby; and if you were to act by Doncaster as you did by Whitby, and incorporated with it the neighbouring villages, he would undertake to make it ten times the size of Whitby. • On any one of the tests which had been established, he could discover no claim Whitby had to representation. But the House was told it had fishing interests. The fishing interest was to have a member. This accounted for the boundary assigned to the new borough of Whitby. He entreated members to refer to the volume of boundaries. They would find the boundary of the borough of Whitby a great curiosity; it included a large slice of the German ocean, which might abound with fish, but could have no £10 householders. The boundary was unintelligible to him before, but the fishing interest

explained it all. But the noble lord asked, "Why will you bear so hard on this unfortunate place, why will you aggravate its misfortunes, why refuse to enfranchise it when it is suffering under a decrease of its trade and population? When did the title of Whitby to be thus represented arise? Had the noble lord such respect for prescription as to advocate the cause of Whitby because it had stood in this bill for some six months? Was this the ground upon which the House was asked not to bear hard upon this place when it was suffering under a state of decay? Why, this might be a good argument if the title of the place were as ancient as that of the noble lord; but not a word about the prescription was heard in favour of Dartmouth. The actual possession of centuries was disregarded in the case of Dartmouth, but Whitby, with its imperfect title of six months, must be protected in this instance. There really never was a case so utterly destitute of any foundation whatever as this one of Whitby. To sue on behalf of a place in *forma pauperis*, to claim representation for it, because its trade and assessed taxes had decreased, appeared to him so inconsistent with the principles of this bill, but above all, so well calculated to cause an alteration in the bill in the very first session of the next parliament, that he hoped the noble lords would consent to select Toxteth-park or Merthyr-Tydvil, and allow the borough of Whitby to retire with a good grace, and with that general sympathy which was due to its decaying trade and decreasing population.

The committee divided on the question that Whitby stand part of schedule D: Ayes, 221; Noes, 120; majority, 101.

TITHES (IRELAND).

MARCH 13, 1832.

Mr. Stanley moved the Order of the Day, for the House to resolve itself into Committee on the subject of Tithes (Ireland), and on the question being put that the Speaker leave the Chair,

Mr. Wallace said he could not consent to the House going into a Committee, until sufficient time should have been given to the Irish members to consult their constituents. He would divide the House.

At the request of several members, Mr. Wallace consented to withdraw his motion, and the House went into Committee.

Mr. Stanley then rose, and in the course of a long and eloquent speech, proposed the following resolutions:—

1st.—"That it appears to this Committee, that, in several parts of Ireland, an organised and systematic opposition has been made to the payment of tithes, by which the law has been rendered unavailing, and many of the clergymen of the Established Church have been reduced to great pecuniary distress.

2nd.—"That, in order to afford relief to this distress, it is expedient that his Majesty should be empowered upon the application of the Lord-lieutenant, or other chief governor or governors of Ireland, to direct that there be issued from the Consolidated Fund such sums as may be required for this purpose. That the sums so issued shall be distributed by the Lord-lieutenant, or other chief governor or governors of Ireland, by and with the advice of the Privy Council, in advances proportioned to the incomes of the incumbents of benefices wherein the tithes or tithe composition, lawfully due, may have been withheld, according to a scale, diminishing as the incomes of such incumbents increase.

3rd.—"That, for the more effectual vindication of the authority of the law, and as a security for the repayment of the sums so to be advanced, his Majesty may be empowered to levy, under the authority of an Act to be passed for this purpose, the amount of arrears for the tithes or tithe composition of the whole, or any part, of the year 1831, without prejudice to the claims of the clergy, for any arrear which may be due for a longer period; reserving, in the first instance, the amount of such advances, and paying over the remaining balance to the legal claimants."

A long discussion ensued, towards the close of which,—

SIR ROBERT PEEL said: Sir, I am desirous, before this discussion terminates, of explaining the course which it is my intention to adopt with respect to the resolu-

tions which have been moved by the right hon. gentleman; and although it is the usual practice for persons addressing this House to magnify the importance of the subject on which they are about to speak, yet I think I can truly state, without any rhetorical exaggeration, that, in the course of a parliamentary experience of twenty years, I never recollect a discussion, the issue of which was of more importance to the foundations of government, and to the security of the institutions of this country, than must be the issue of the discussion before the House. I consider, Sir, that although there are three resolutions moved by the right hon. gentleman, yet two of them are of so much more importance than the other, that to these two I shall exclusively direct my attention. The two resolutions to which I allude are these: the first pledges the House to enable the executive government of Ireland, having advanced certain sums for the relief of the suffering clergy, to recover the amount of these sums from those by whom they are justly repayable; and the other pledges the House to take into consideration an extensive change in the mode of providing for the maintenance of the ministers of the Established Church, which change will involve the commutation of tithe, either for an equivalent in land, or for a rent-charge upon land. I shall invert, in the consideration which I shall give to these two propositions, the order in which I have stated them, and consider the latter in the first instance. I own that, abstractedly, and on general principles, I object to pledge the House prospectively to the adoption of any particular course, at a future period. I have uniformly objected to this course. I can scarcely recall to my recollection a single instance in which I have been a party to a pledge that the House would, on some future occasion, adopt a certain measure. A vague engagement that the House will, on some future occasion, do that which is best for the country, is unnecessary, because the presumption should be, that at all times parliament will be ready to act as may be most conducive to the interests of the public. I object to such a course, because I think it is an improper mode of relieving ourselves from present difficulties to enter into engagements, when we are not prepared with measures of practical detail, without the accompaniment of which those engagements cannot be redeemed. The whole history of parliament has a tendency to discourage the hasty adoption of pledges of this nature. With respect to this very question of tithes, there is a proceeding somewhat analogous to the present, which may be quoted as an example of the danger—the extreme inconvenience, at least—of entering into pledges. There was a time when a pledge was given by the House of Commons in favour of commutation of tithes; but to this day that pledge remains unredeemed, and the subject of that pledge continues now in the same state in which it was at the time the pledge was made. At the period of the Commonwealth, on the 9th of April, 1652, the House of Commons came to a resolution of this nature—"That it be referred to the Committee appointed to receive proposals for the better propagation of the gospel, to take into speedy consideration how a convenient and competent maintenance for a godly and able ministry may be settled in lieu of tithes, and present their opinion thereon to the House."

Whether any proposals were ultimately made for better providing for the ministry of the gospel, or whether the committee reported their opinion thereon to the House, I know not: but, at any rate, no commutation of tithe took place, nor was any alteration made of the system that had theretofore existed. The account given by the historian of the circumstances preceding and subsequent to the appointment of this committee, is both interesting and instructive. He says, that—"The payment of tithes was a source of continual grievance to the country people, and was the subject of repeated petitions to parliament, and parliament was forced often to promise redress; and so, for a pretence of ease and quiet, they referred the question to a committee, to consider how a convenient and competent maintenance for a godly and able ministry might be made in lieu of tithes. But (says the historian) the lay impropiators in the House would never consent to extinguish their own interests, and, therefore, the whole plan was abandoned."

Now, I beg the attention of the House to the course which even that parliament took in the year 1652. Although they entered into an unwise engagement to abolish tithe by commutation, yet they did not think it just, when they entered into that engagement, to encourage the refusal of the payment of tithe in the interim that might elapse between the appointment of the committee and the final adjust-

ment of the question by parliament: for even that parliament which had abolished monarchy—that parliament which had abolished the House of Lords—that parliament which was adverse to the established religion of the country—had still this sense of justice to resolve on the very occasion when the question of another maintenance for the clergy was under discussion—"That tithes shall be paid as formerly, until such maintenance be settled." Upon the question being put, a resolution to that effect was moved as an amendment, and a division took place, when it was carried in the affirmative by a majority of twenty-seven votes against seventeen. That very parliament, I say, which had entered into an unwise pledge of abolishing tithes, by the very same vote came to a resolution that the existing law should, in the mean time, be maintained, and the tithes be paid. Why then, Sir, I say, if we imitate the example of that parliament with respect to the destruction of tithes, let us, at least, also follow it in the second precedent which it has set us, and, by a simultaneous engagement, pledge ourselves to maintain the law and vindicate the authority of parliament. I stated before, Sir, that my general course has been to object to resolutions involving such pledges as the resolution I am now considering involves. But such is my sense of the difficulties of this question—difficulties for which some immediate practical solution must be found, that I am content to make an exception with respect to this case, if I must pay that price, in order that I may have an assurance from the King's government that the law shall be vindicated. I do not think I should be acting with due regard to the interests of the Protestant Church, if I did not, on this occasion, make that exception. I am, therefore, ready to agree to a resolution which pledges me to the consideration of some plan, for the maintenance of the ministers of the Established Church in Ireland, as a substitute and just equivalent for the provision by means of tithe. To the wording of that resolution I do certainly object; not because I entertain any material difference of opinion, as to the main object of that resolution, from the right hon. gentleman who moved it, but because I fear the danger of misconstruction in Ireland. I think, Sir, it is most unwise, in that resolution, to use the words "extinction of tithes." I am aware that, in almost every Inclosure Act in this country, those words are used; but they are not used until the land for which the tithe so to be extinguished is commuted, is actually provided and allotted to the owner of the tithe. But here we use the words before the equivalent is provided, nay, before any plan for its provision is matured, or even proposed, for consideration. Therefore it is, that I fear we are exciting false hopes. The words "extinction of tithes" will, I am afraid, be construed by the peasantry of Ireland, to mean that tithes are extinguished, and therefore are no longer payable. Now, as I think two years must elapse before any plan which government may determine upon can be carried into effect, I fear that such an erroneous impression prevailing in Ireland, in the mean time will lead to the spreading of the combination against tithes, and tend to defeat the object which his Majesty's government has in view. I give my consent, Sir, to the last of these resolutions, upon the distinct understanding that it is meant to provide for the Church of Ireland a just and fair equivalent. The hon. and learned gentleman who spoke last, says he attaches great importance to the omission of the words "the revenues of the church will be effectually secured," which words, he observes, though omitted here, are contained in the report of the committee. Now, I think, and I shall continue so to think until I am contradicted, that the right hon. gentleman who prepared the report of which these words stand a part, clearly meant it to be understood that, in commuting tithe for land, the appropriation is to be to the church in Ireland, and that he means, as the report expresses it, effectually to secure the revenues of the church. I do not intend to exclude (for I think an enquiry may be necessary)—I do not intend to exclude a fair and just consideration of the present state of the church in Ireland; but this is what I mean—I give my support to that resolution, upon the clear understanding that those revenues which are to be provided for by the church, in lieu of the tithe at present payable to that church, are to be appropriated strictly to ecclesiastical purposes. These were the grounds upon which I consented to the report—these are the grounds upon which I consent to the resolution; admitting, at the same time, that there are other matters connected with the church (the question of church-rates is one) which ought to be placed on a different footing from the present; of all such

matters I wish to see the final adjustment, and thus to prevent, if it be possible, the seeds of future agitation from being left to germinate among an easily-excited people. One of my main reasons for resolving to adopt this course is, the support which his Majesty's government will derive from it in carrying into effect that other resolution, in my opinion of equal importance to the one to which I have been alluding; I mean the resolution which enables the government to recover from those who are justly and legally liable to the payment of them, the arrears of tithes, so as to reimburse the sum which the government may advance out of the public funds to the suffering clergy of Ireland. But, Sir, before I approach the important question that is involved in that resolution, the hon. gentleman, the member for Kildare (Mr. O'Ferrall) must allow me to refer to one part of his speech, which it was with great pain I heard him deliver—a speech which, in manner and matter, completely observed the precept given by an hon. gentleman, who said that, in discussing the question of tithes, it was desirable it should be done *suaviter in modo, et fortiter in re*—a speech which more literally corresponded with that precept I never heard than the speech of the hon. member for Kildare. The argument which he advanced, if well founded, must also preclude the necessity of any further discussion of this subject, because that argument tends to show that it is utterly impossible to hope for the future repose of Ireland, adopt what principle we may for the commutation of tithes. The hon. gentleman said—and it was with extreme pain that I heard the observation—that he objected altogether to the payment of tithes on principle, and that he considered the payment as a degradation and as a badge of conquest and of servitude. I regard this, Sir, as proceeding from a Roman Catholic, to be a most extraordinary objection. I did hope that the removal of all civil distinctions, and the footing of perfect equality upon which that gentleman and all his fellow Catholics of Ireland had been placed, had merged in oblivion those irritating topics which arose from ancient conflicts and ancient triumphs. Alas, Sir, how dangerous is the doctrine which this argument involves! how fatal to the security of all other property in the state! Does the hon. gentleman recollect by what title three-fourths of the property in Ireland are held? If a prescription of 300 years can plead nothing in favour of the present settlement of the property of the church, how unlikely is it that a prescription of 150 years can plead in favour of the settlement of lay property! Does the hon. gentleman know how much of Ireland has been subject to confiscation and forfeiture, on account of those very conflicts to which he has referred, and against the recurrence of which we had fondly hoped, and had a right to believe, a barrier had been raised for all future time by the act of emancipation? But now the hon. gentleman—notwithstanding that the settlement of the estates of the church is coeval, not with the rebellion of 1641, not with the revolution of 1688, but with the reformation—comes forth and declares, that he considers it as a badge of servitude to recognise that property, and that no Roman Catholic can avoid considering it in that degrading light. He reserves this doctrine until after the period when the Roman Catholic disabilities have been removed. A different doctrine was advanced before that period, when, in 1825, a committee was appointed for the purpose of considering the state of Ireland; the evidence given on that occasion had a material influence on the public mind, and tended greatly to reconcile it to the emancipation of the Catholics. Throughout the whole of the evidence given before that committee, by some of the highest authorities in the Catholic church, is there, I ask, a single expression from which it could be inferred that the disabilities of the Catholics being removed, the payment of tithes would be considered by them as a degradation and badge of servitude? Many of them objected to tithes on the same ground on which a Protestant might object to them; but not a man said, “After you have removed our civil disabilities, you must remove the burden and degradation which we endure in the payment of tithe to the clergy of a Protestant establishment.” This, I conceive, Sir, to be a most important part of the question now under discussion; and therefore, for the purpose of proving that I am right, and with a view to show that, at that period, no Roman Catholic thought that the payment of tithe involved any degradation of the Roman Catholic, I shall adduce evidence which the honourable gentleman himself must admit to be of the most unexceptionable and conclusive character. I will not take the evidence of the Roman Catholic laymen; I go to the fountain-head upon this point. I take the evidence of those men who, from their religious stations, and from

their opportunities of intercourse with their flocks, must have had the best means of speaking decidedly upon this matter. The question is not—and do not let any man attempt to divert us from the real question now at issue between the hon. gentleman and myself—the question is not, whether tithe be an unsuitable and unwise provision for the clergy; but the question is, whether at that time the Roman Catholics thought that the payment of tithe was a badge of servitude and degradation, and whether it is now just to argue that the act of emancipation will be incomplete if it be not followed by the total extinction of tithe? I will first take the evidence of the most reverend Dr. Kelly, who, I believe, was titular Archbishop of Tuam. This evidence will bear equally upon the other points involved in the present discussion. He said that, in the year 1820, there were very serious disturbances in Mayo and Galway. He is asked, “Were the complaints made against the pressure of tithe rather than against the pressure of any other charge?” His answer is—“No; they complain equally of high rents, grand jury cesses, and church-rates. The next question is—“The efforts of these Ribbonmen were not directed specially against tithes?” His answer is—“Not by any means—they were directed more against landlords.” The next witness whose evidence I shall refer to is Dr. Murray, who was titular Archbishop of Dublin. He says, “It is a general feeling, among Catholics as well as Protestants, that the establishment is unnecessarily rich; but I do not observe any feeling in Catholics, as Catholics, to exert themselves for its curtailment more than Protestants.” Why, Sir, is that not an express declaration that the Catholics did not consider tithes in the light of a badge of servitude? But to proceed:—Dr. Murray is asked, “Do you think the Catholic population would exert themselves more strongly to get rid of tithe than they would the burthen of any other tax?” The answer is, “I do not think they would.” The other witness, from whose evidence I shall quote, is no other than Dr. Doyle. I have reserved for the last, the evidence of this reverend prelate. He is referred, in the course of his examination, to certain letters published under the title of “I. K. L.,” and is asked if he concurred in the opinion given in those letters of the established church of Ireland? His answer is, “The established church of Ireland I look at in two lights—as a Christian community, and as a corporation enjoying vast temporal possessions. As a Christian church consisting of a hierarchy and professing the doctrines of the gospel, I respect it, and esteem it more than any other church in the universe separated from the See of Rome.” He is then asked this question: “Do you entertain any objection to the establishment of the church of England in Ireland, in the respect now adverted to, which a Protestant might not equally feel?” His answer is, “I do not suppose that I do.” He is then asked, “Would the objection to tithes, as they now stand, be removed, in any degree, by giving admissibility to political power to the Roman Catholic laity?” His answer is, “Yes, I do conceive that they would be greatly removed.” He is asked, “How would tithes become less objectionable, considering they are to be paid by the people chiefly engaged in the tillage of land?” His answer is, “I think, if the present Tithe Composition bill were universally adopted, or a compulsory clause inserted in it, and the tithe levied by an acreable tax, that it would excite infinitely less discontent than exists at present.” Now, Sir, have I not adduced evidence which proves that, even before the Catholic disabilities were removed, tithes, although considered as a burthen, were not so considered in any other light than that in which every species of tax is so regarded? And if these were the feelings of Catholics even before their disabilities were removed, may we not justly claim from them, now that every vestige of civil distinction between Catholic and Protestant is done away, that recognition of the right to tithe which even before was not withheld; more especially when it is recollected that the admissions made by them on this very point, materially influenced the minds of the people of England to consent to the removal of their disabilities? I will now address myself to the speech of the learned gentleman (Mr. Sheil), who spoke with great ability, but whose speech was more remarkable for its choice of language than for the weight of its arguments. I must say, Sir, that those arguments looked at through the fog and mist of metaphor and oratorical figures, are apt to loom rather larger than they ought to do, and to attract more attention than their natural proportions entitle them to receive. The hon. and learned gentleman says, “For God’s sake, conciliate the people of Ireland;” and his mode of conciliating them is to relieve them from the payment of

their arrears of tithe. "I admit," says the hon. and learned gentleman, "that the clergy ought to be paid, and that the landlords ought not to benefit by the remission of the tithes." Now, Sir, I mean to avail myself of these admissions, and to contend that such admissions being made, first, that those having vested interests should be provided for; and, secondly, that it is not conformable with justice that the landlord should benefit by the extinction of tithes; *cadit quæstio*, and the learned gentleman is bound to support these resolutions. The first admission is, that the clergy ought not to lose their property; you admit they have done no wrong, and must not be the sufferers. Well, then, who is to pay them? It is very easy to say, "Let them be paid out of the consolidated fund;" but such a proposal is neither more nor less than this, that those persons who pay taxes are to pay these tithes also. The hon. and learned gentleman advises conciliation in the arrangement of this question; but I ask, which party will he conciliate—those who have paid all the demands that are due from them, or those who have refused to pay? Why are the people of England, and that part of the people of Ireland who have paid their tithes, to be called upon to pay the arrears of tithe due by the defaulters? What justice, what conciliation is there in saying to these persons, "Here are parties who have not paid their tithes, and therefore, although you have paid yours, still you must contribute to make up these arrears?" Why, here is a double act of injustice;—first, the learned gentleman gives impunity to the defaulter by sheltering him from the process of the law, and then he proposes to mulct all those who have already paid their tithes in an additional sum, because others have refused to pay theirs. It is very well, Sir, to talk of conciliation and justice, but what sort of conciliation and justice is this? The hon. and learned gentleman then says, "Why should the Irish government become the tithe-proctor-general for the clergy?" And, for the purpose of making an impression, he describes my Lord Anglesey going forth to dig potatoes with his own hands, in order to raise the sum requisite to reimburse the government. Who can be deceived for a moment by such exaggerated pictures? The question is this; the learned gentleman having admitted that some one ought to pay the arrears, in what mode shall those arrears be recovered? The law at present is set at defiance. The Protestant clergyman is defrauded of his due. Is there any injustice in employing the authority of government for the purpose of enforcing an undoubted, equitable, and legal right? Is it not better, after what has taken place, that that right should be enforced by the government rather than by the party himself—that party an interested one—obnoxious from his spiritual character, irritated, possibly, by the sense of the grievous wrong he has already sustained? But, says the learned gentleman, where is the great public evil if the clergyman does not receive his tithe? Why, Sir, there is great public evil in any man sustaining a wrong and being denied a remedy. What is society instituted for? What is the end of all government? Why do we pay taxes, and submit to a thousand restraints, but to protect individuals from wrong? If any individual can be deprived of his just rights with impunity, it has a tendency to shake the foundations of every other right. Depend upon it, that if legal rights of one description can be defeated or evaded, the interval is short between such defeat and the invasion and destruction of other property. To show this, I call the hon. and learned gentleman as my witness—for what has he informed us? Why, that such is the impatience of legal restraint in Ireland, that the common practice is to make the process-server swallow the process; nay, not only to swallow, but to digest it. Is there no danger that a people, with such dispositions and such habits, will soon learn to defeat the claims of the landlord by the same artifices and the same combinations which have been successful in defrauding the clergyman? The learned gentleman may depend upon it, that those physical laws of nature which regulate the motion of material bodies, are not more certain in their operation than the moral laws which teach us, that successful injustice in one case will propagate injustice in others. No, Sir, you can no more gather grapes from thorns, or figs from thistles, than you can sow the seeds of injustice, and hope to reap the fruits of obedience. The whole course of Irish history—the sad succession of those troubles which have defaced the fair fame of Ireland for the last ninety years, tends to show, that however the disposition to disturbance may have originated, it was not confined to the primary cause, but

rapidly extended to every other object of real or imaginary grievance. No doubt the demand of tithe has been among the most obnoxious. To no other demand was resistance more easy. The grievance was not the heaviest—there were other and far weightier imposts on the peasantry—but the clergyman was the most defenceless of those who had claims upon them. The waters of bitterness were ready to overflow, and they burst the containing mounds in the weakest place. The learned gentleman has alluded to cases of individual oppression by the clergy; but does that learned gentleman think that these individual cases of extortion and oppression, even when proved, can justify the evasion of the law? The learned gentleman said, that the law which is unjust ought not to be enforced. But who, Sir, is to be the judge? Does he mean to argue that the poor peasant, or the wealthy farmer of a thousand acres, are at liberty to decide for themselves whether laws shall be obeyed? The injustice of the law, the inexpediency of the law, the popular dislike of the law, may all be fitting elements of consideration with the legislature; but if any individual is to be at liberty to declare, whenever he has a burthen to discharge, that the law is unjust, and he will therefore resist it, then, I say, the functions of government have already ceased, the state is dissolved, and all the obligations of society must shortly be at an end. There are instances of exaction among the clergy—granted—are there none among the landlords? Did the learned gentleman ever hear of Conacre in Ireland? Did he ever hear of the land out of lease subdivided, and let to the highest bidder, without regard to the claims of the ancient tenantry? Does he know the ordinary amount of rent in many parts of Ireland—its proportion to the whole produce of the holding? If you condemn the whole body of the clergy on account of the exaction of a very few—if you justify general resistance to a legal demand on account of such rare instances of exaction—I ask again, what will become of the character and of the rents of Irish landlords? I trust, Sir, that I may say with truth, that I have ever felt a deep interest in the prosperity of that country, with which I was for some years officially connected; and I have ever taken a melancholy interest in tracing the history of those periodical disturbances with which Ireland has been afflicted for the last ninety years. The impression on the minds of English gentlemen is, that those disturbances have arisen almost exclusively from the disputes concerning tithes. Nothing, Sir, is more fallacious; that is not the fact; but fact or not, this I will prove, that there never was an insurrection, or a spirit of resistance evinced on account of tithes in that country, without its extending rapidly to, and being directed against, every other burthen which the tenant had to sustain. This is one of the main grounds on which I now support these resolutions; for, if government were disposed to connive at the present invasion of the law, the day of resistance and of open violence would be but postponed for a short period, an intense feeling on the part of the peasantry would soon be excited against rent and the landlord, against the Grand Jury cess, and every other species of charge upon land; and there would either be universal anarchy, or a desperate and bloody effort to re-establish the supremacy of the law and the rights of property. I ask you to profit now by the experience of former periods of Irish history. I am aware, Sir, that, with respect to Irish history, the credit due to any statements depends materially upon the quarter from which they come. Unhappily, the spirit of party has infected the historians of that country so much, that, as their minds are swayed, so are their facts coloured, exaggerated, and distorted. But, Sir, I will take my facts from an historian of Ireland, to whom there can be no exception as a witness for my purpose. He shall be a Roman Catholic—a gentleman taking an active part in the affairs of his country—I mean Mr. Plowden, who has collected a vast number of important documents bearing upon the recent domestic history of Ireland. Mr. Plowden quotes a remark which was made by Mr. Arthur Young, that, before the year 1760, in Ireland local disturbances were but little known. Mr. Young's expression is, that "there was no Leveller, no Whiteboy, known before the accession of George III." In the list of those strange designations given to parties in Ireland, the Whiteboys, I believe, claim precedence in point of date. This is the account given by the historian of the more immediate rise of that party:—"Various causes produced the most abject wretchedness among the forlorn peasantry. An epidemic disorder among the horned cattle had spread from Holstein, through Holland, into England; the prices of beef, cheese, and butter were raised to exorbitancy. Pasturage

became more profitable than tillage; numerous families were turned adrift, without the means of subsistence. The cotters, being tenants-at-will, were every where dispossessed of their scanty holdings, and large tracts of grazing lands were set to wealthy monopolizers, who, by feeding cattle, required few hands, and paid higher rents. The landlords demanded extravagant rents from their cotters, and, to reconcile them to their settings, they allowed them generally a right of common, of which they soon again deprived them by enclosures."

He then says,—“The absolute inability of these oppressed tenants to pay their tithes, besides their landlord's rent, made them feel the exaction and levying of them by the proctors as a grievance insupportable.”

Why, Sir, that was natural enough. The clergyman was the man who was the most easily attacked. And by whom, according to Mr. Plowden, was the attack encouraged? He says:—“The loudest and most lasting of the complaints were against the extortions of tithe proctors. The landlords and graziers, in order to divert the irritation of their wretched and oppressed peasantry from themselves, did not scruple to cherish, or at least connive at, resistance to the ever unpopular demands of the clergy.”

Well, Sir, in 1763 appeared the Oak-boys, so called from the circumstance of their adorning themselves with the leaves of the oak-tree. “Their first object was the overseers of the roads—the second, the clergy, whom they resolved to curtail of their tithes—the third, the landlords, the price of whose lands, particularly the turf-bogs, they set about regulating.”

Now here, Sir, I show that, even at that early period, although the tithes might be the original ground of complaint and resistance, yet the rent of the landlord soon became an equally obnoxious demand. The learned gentleman will see, by the instance I have quoted, how rational is our apprehension that a successful invasion of tithe will lead speedily to the successful invasion of rent. The next in order of these lawless parties are the Steel-boys. The rising of these was not so general. The source of it, says Mr. Plowden, was this:—“An absentee nobleman, possessed of one of the largest estates in the kingdom, instead of letting it for the highest rent, adopted a novel mode of taking large fines and small rents. The occupier was willing to give the highest rent, but could not pay the fine, and was dispossessed by the wealthy undertaker, who, not content with a moderate interest for his money, racked the rents to a pitch above the reach of the old tenant. Upon this the people rose against forestallers, destroyed their houses, and maimed their cattle, which now occupied their former farms. When thus driven to acts of desperation, they knew not how to confine themselves to their original object, but became, like the Oak-boys, general reformers.”

The general reformers of the present day do not, I trust, partake of the disposition of the Steel-boys of 1764. In 1786, Mr. Grattan made his memorable speech in the Irish House of Commons on the subject of Irish tithe, in allusion to a splendid passage of which speech the learned gentleman had exclaimed, “For God's sake, let us follow the example of Mr. Grattan!” And what, Sir, did Mr. Grattan propose? Did he denounce tithe as a badge of servitude and degradation? No such thing. He considered it a strict legal right, in lieu of which a full equivalent should be granted to the Church, and that equivalent secured upon the land of Ireland. Surely, it will be more to the purpose, to act on the authority of Mr. Grattan in the practical part of his measure, than to repeat an oratorical passage of his speech, which, however splendid, has no practical application whatever. But, Sir, to resume. In 1786, those persons who began their insurrection upon private property by an attack on the tithes, took upon themselves to regulate the payment of hearth-money, the rent of the land, and the dues to the Roman Catholic clergy. I now speak to Roman Catholics, and I dare say the name of O'Leary is familiar to them. In 1786, Mr. Grattan received a communication from that gentleman, which complained as loudly of the refusal of the peasantry to pay the dues to the Roman Catholic clergy, as it is now complained that the Catholics will not pay tithe to the Protestant clergy. I come to more recent instances of the character and tendency of these parties in Ireland. In 1806, the friends of the noble lord (the Chancellor of the Exchequer) were in power: Mr. Plunkett was attorney-general. In that year a special commission was sent into the counties of Sligo, Mayo, Leitrim, Longford, and Cavan,

in order to check the great excesses committed in those parts by the party called Threshers. In the course of that commission, a gentleman with whom I had the honour of being acquainted—Mr. Denis Brown—was examined as to the origin of those excesses. This is Mr. Brown's account:—"The first object of the association was the reduction of tithes and priests' dues. In different stages of its progress it professed different objects—all kinds of payments, whether of tithes, industry, labour, or farming. They delivered messages in the chapels, threatening the priests that, if they did not lower their dues, avoid the payment of tithes, and alter the wages of labour, the Threshers would visit them, and that the priests might have their coffins prepared."

In 1811, Mr. Bushe, then Solicitor-general, was sent upon a special commission to Tipperary, Waterford, and Kilkenny. This is the account which that eloquent man gave of the proceedings of the Caravats and the Shanavessis. He asks, "What is the first avowed object of these associations?" "It is the regulation of landed property and its produce. It is the vain and idle attempt to fix a maximum for rent, and to prescribe the price of labour. Land, say they, shall never rise, and property shall never change its possessor. To the gentlemen of landed property they proclaim, that the land which his ancestor had demised thirty or sixty years before must not rise on the expiration of the lease, or must only rise according to their standard. I fear that some persons have folded their arms and looked on with patient apathy, while the plunder of the clergy, and the collection of tithes, were the only objects of insurrection. To others, the obstructions of public taxes might appear venial. When the people rose against the claims of the Roman Catholic priesthood, and affected to regulate their dues, many did not foresee that the habit of popular interference could not be confined to one object. Out of the apathy, indolence, or connivance of the gentry, has grown the dominion of the mob."

Sir, that sentence contains the history of all these evils. Every word is pregnant with instruction to us at the present moment. I think I have proved to you that, even if tithes were the original object of these insurrections, yet successful resistance to tithes extended rapidly, not only to the county cess, but to the landlords' rents, and even to the dues to the Roman Catholic priests. It must be so; and out of our apathy, our indolence, and our connivance, will grow the dominion of the mob. It is absolutely necessary that some precaution should be taken to prevent this increasing disposition to resist legal demands. The hon. and learned gentleman says, Wait and let us see whether resistance will be further offered; but, if it is true that resistance has been already offered to the extent alleged, and that success stimulates to fresh outrages, it is mercy to check the destructive disposition now. A combination exists in six counties, and is rapidly extending to others. Any additional success will give additional impetus to the work of insurrection. What, Sir, must be the effect of postponing any measure now, which ultimately it will be absolutely necessary to adopt? One consequence will be, to aggravate the evils; for every man will suppose that we are indifferent to these illegal proceedings; and, instead of having six counties to contend with, we shall have thirty-two. Instead of having title only to recover, we shall have rents and taxes also. I therefore say, Sir, that if interference is necessary—and I think it has been proved to be necessary—both in justice and mercy it ought to be immediate. The hon. and learned gentleman says, it will take £100,000 to recover £30,000. Be it so. Even in that case I shall not think the £100,000 expended in vain. I will consent to the expenditure of a million rather than permit the systematic and universal violation of legal rights. The hon. and learned gentleman says, that every mild course ought first to be tried, before severe coercive measures are resorted to. I should be the last man to counsel unnecessary severity; but this I do hope, that the measure will be effective. I would rather that nothing should be attempted, than that government should be involved in a contest when they had not obtained power sufficient to ensure success. If it be just that these arrears should be recovered, neither open force nor technicalities of law should be permitted to obstruct the recovery! I am not speaking of arrears of rent, or of arrears occasioned by distress. Where, indeed, is the gentleman who has not arrears due upon his property; and where is the man who is mad enough to call for the summary interference of the executive to recover such arrears? No, Sir; I am speaking at a time when the rents of the landlords of Ireland are all well paid, I am speaking of those who, being per-

fectly solvent, expressly say they will not pay tithe; who expressly say that the law is unjust, and therefore they will not pay obedience to it; and who confederate together for that especial and openly-avowed purpose. Speaking of these parties, I think it right that the government shall be able to say to them:—"If you are solvent, you shall not rob the clergy in order that you may be the better able to pay the landlord." The landlords themselves declare, that they are not desirous to rob the clergy, and they have too honourable feelings to seek their own advantage indirectly at the expense of the established church. But if this system is to proceed, the landlords, however they may be opposed to it, cannot help profiting by its continuance. In the nature of things, how can this be avoided? If tithes be abolished by these illegal means, however repugnant it may be to their feelings, the landlords must receive a benefit; a temporary and delusive benefit—because, as I have attempted to show, the spoliation of the clergy must endanger the security of all other property. To avert that danger I support these resolutions. I support them also on higher grounds—on the ground that the established church is the main defence of the best and purest doctrines of Christianity, and that that church is entitled on considerations of the soundest policy, and of moral and religious duty, as well as on considerations of strict legal right, to the protection and assistance of the legislature. That protection, and that assistance, will be, in my opinion, most unjustly and unwisely withheld, if we permit the ministers of the church to be robbed of their legal dues, or the revenues of the church to be appropriated to other than ecclesiastical and religious purposes.

Lord Althorp having replied,—

Mr. Ruthven moved, that the chairman report progress; which motion was acceded to, and the committee appointed to sit again.

PARLIAMENTARY REFORM.

MARCH 14, 1832.

Lord Althorp moved the Order of the day for taking into further consideration the report of the committee on the Parliamentary Reform Bill for England.

Mr. Croker, as an amendment, moved a series of resolutions, for the purpose of putting on record the views and opinions which had been maintained by him, and several of his honourable friends who acted with him, with respect to the Reform Bill. He would not put the House to the trouble of dividing upon them; to negative them would be sufficient for his purpose.

The amendment having been seconded, was read by the Speaker, and immediately negatived. After some satirical remarks by Lord Althorp,—

SIR ROBERT PEEL observed, that the noble lord had stated, that the resolutions of his right hon. friend contained all the recommendations of those who had declared themselves adverse to the Reform Bill. He, however, had not understood his right hon. friend to say that; nor did he well see how that could be; for the general principle of the Reform Bill was not at all alluded to in the resolutions. As he, from listening to the reading of the resolutions (and he had no other opportunity of becoming acquainted with them), understood their purport, it was, that even supposing the principle of the bill to be admitted, still there were numerous anomalies and inconsistencies which ought to be corrected; and certainly he must say that, in that respect, the resolutions appeared to him to contain a very able analysis of the demerits of the bill, as far as detail went. But at the same time, he begged to say, as a matter of principle, that he did not conceive himself personally bound by the contents of that amendment; but that the standard by which he was to be judged was, the observations which he had made in the course of the discussion on this bill. With respect to the printing of the resolutions, he hoped that the noble lord would not propose any departure from the customary rule; for he thought that any alteration in that rule would be much worse than any inconvenience that could arise from the printing of a long series of resolutions.

AFFRAY AT MANCHESTER.

MARCH 15, 1832.

Mr. Hunt presented petitions from Paisley, Huddersfield, Halifax, Hull, and other places, praying for an enquiry into the circumstances connected with the massacre of persons peaceably assembled at Manchester to petition Parliament, in August, 1819.

The hon. gentleman having given a detailed account of the affray in question, concluded by moving, "That a Select Committee be appointed to enquire into the military execution inflicted on a peaceable and unarmed multitude assembled at Manchester on the 16th of August, 1819, to petition for Parliamentary Reform."

Mr. Hume seconded the motion.

Several members having spoken on the question,—

SIR ROBERT PEELE said, if there ever was a period when every man was bound to speak his opinions openly and firmly, however obnoxious to popular prejudice those opinions might be, this was the time. For his part he would never shrink from the expression of any opinion he might entertain, however unpopular it might be, if he thought it essential to the well-being of society, and the maintenance of the law. It was in accordance with that principle that he would proceed to state his sentiments upon the important question before the House. The hon. and learned gentleman (Dr. Lushington) who had just sat down, expressed an opinion, that at all times it was the duty of the House of Commons, in any case of political excitement or disturbance attended with loss of life, to institute an enquiry into the circumstances in which it originated. Now he (Sir R. Peel) confessed this declaration struck him with surprise, when he recollected, that since the period when that hon. and learned gentleman took his seat on that side of the House where he now sat, two cases of political excitement and disturbance, attended with grievous loss of life, had occurred, and yet they were suffered to pass over without any motion for investigation on the part of the hon. and learned gentleman. If he entertained such an opinion, why did he not call for an investigation into the occurrences at Merthyr-Tydvil and at Knocktopher? Were not those unfortunate collisions arising from circumstances of a political nature, and yet the learned gentleman had maintained profound silence with respect to them? But he begged to ask the hon. and learned member, Was he prepared, as a judge of the land, to say that it would tend to assert the dignity of the laws were the judicial tribunals of the country to be superseded by the House of Commons? He had alluded to the events of Merthyr-Tydvil and Knocktopher, because they had taken place during the administration of the government with which he (Sir R. Peel) had no connexion, but of which the hon. and learned gentleman was a strenuous supporter. He had alluded to them, not for the purpose of provoking a parliamentary enquiry into them, but for the purpose of showing that the learned gentleman did not practically act upon the doctrine which he now maintained, though that doctrine was quite as applicable to those recent events, as to the loss of life at Manchester, some twelve years since. He (Sir R. Peel) would venture to say, that if any member of the House had, on either of the occasions to which he alluded, brought forward a motion with a view of transferring the enquiry into their origin from the proper legal tribunals of the country to the House of Commons, the hon. and learned gentleman would have opposed such a motion with all the eloquence he possessed. He might have done so on the firm ground that the legal tribunals of the country were more likely to give a satisfactory decision than a committee of the House of Commons, in which there almost necessarily must be an infusion of party feelings. The hon. and learned gentleman said, that he supported the proposed enquiry chiefly from the desire to hold up to public execration the practice of employing spies; whom he charged with not limiting themselves to the watching of the actions of suspected individuals, but with inciting the people to deeds of violence and illegality. He (Sir R. Peel) had no hesitation in saying, that if any man, in any situation in life, employed spies for the purpose of exciting sedition or inducing the commission of crime, in order that the dupes of his wickedness might be afterwards singled out for vengeance, there was no punishment in the power of parliament or the law, too severe to be inflicted on such base conduct. But if

the hon. and learned member meant that the government was never to receive and use the information supplied by spies, he must dissent from that doctrine. To put a case but too familiar to every one—would the hon. and learned gentleman, at the time of the conspiracy of Thistlewood, have rejected the evidence which some of his associates tendered to the government, showing that there was a detestable plot, having for its object the murder of the ministers of the Crown. Would that secretary of state be deemed worthy of his office who should turn the informer from his doors, and spurn his information, or place him in prison, as a reward for the confession of his participation in the plot? Yet such would be the course pursued by the hon. and learned gentleman—such was the wise system of vigilance and precaution which he advocated. Parliament itself had, for years, by its annual votes, sanctioned the practice of employing secret agents. He (Sir R. Peel), in defending the principle of those votes, could not fairly be taunted with too liberal a use of the means they supplied; for he would venture to say, that there never were less sums of money voted by Parliament, or applied, under the head of secret service, than during the time of his holding the situation of Secretary to the Home department. He would now advert to another part of the hon. and learned gentleman's address. He (Dr. Lushington) told the House, as an argument in favour of reform, that one of the very first acts of a reformed parliament would be to open their ears to the calls of the people, and make the enquiry which the people now desired. He (Sir R. Peel) had never been in want of arguments to confirm him in his opposition to the measure of reform; but, if he did require a fatal, a convincing, objection to it, it would be supplied by the declaration, on the part of the learned gentleman, that one of the first acts of a reformed parliament would be to take from the hands of the legal tribunals of the country that authority with which, from time immemorial, they were endowed, to enquire into and punish the commission of crime. He desired to be understood as having no interest, no bias of partiality or favour, in defending the Manchester magistrates; for, at the time of the affray in 1819, he was not in office, and consequently not responsible for any of the events of the period. He understood that on that occasion, agents, or spies if they were to be so called, were employed; but he felt it due towards the individuals who preceded him in office—Lord Sidmouth and Mr. Hobhouse—to declare his conviction that, in the employment of those spies, no instruction whatever was given which might not be published to the whole world. They were employed, not as was falsely said, to tempt others to the commission of crime, but to enable the government, by timely notice, to protect society from the wicked plots against its peace that were then maturing. As to the motion before them, he was determined to give it his opposition; but he would avow at once that his objection to it did not arise from the lapse of time which had occurred. Had the transaction taken place but two months since he would have equally opposed it, on the principle that, until the ordinary authority of the law was found inefficient, parliament ought not to interfere. If any circumstances had impeded an enquiry by the legal tribunals, then the proposal for a parliamentary investigation would have met with his support. But had there been any such impediment? Did the conduct of the parties engaged in the affray escape the notice of judicial tribunals? Was there no decision by a Court of Justice?

Mr. Hunt: There was an unfair one.

Sir Robert Peel supposed the hon. member alluded to his own case, and he could assure him that it was not his intention to say any thing which could hurt his feelings. The hon. member said, that the decision of the jury against him was an unfair one, but the hon. gentleman was not a very disinterested and impartial judge on that point. The fact could not be denied, that the verdict of the jury was against him, and that he was, by Mr. Justice Bayley, sentenced to imprisonment. Now, this was one solemn decision of a legal tribunal on the conduct of the parties engaged in the affray, and that decision was in favour of the part acted by the yeomanry. But was this all? Was this the only trial that took place. It appeared not; for, shortly after the event, an individual of the name of Redford brought an action against an officer in command of the yeomanry cavalry, to recover damages for alleged injuries. This action came on to be tried at the Lancashire Assizes. The trial lasted four or five days, and in its progress every portion of the occurrences at Manchester on the 16th of August was detailed in evidence. Well, what was the

decision of the jury? Notwithstanding the immense mass of evidence that was brought before them, they took but a few minutes to deliberate, and unanimously returned a verdict for the defendant. Thus was the case twice decided after a solemn investigation. But it underwent a third, and, if possible, a more solemn, enquiry: for in the term immediately following the trial, a motion was made, on behalf of Redford, for a new trial. This motion, after a solemn argument, which lasted two days, and after Mr. Justice Holroyd had read his notes of the trial, was refused, and the four Judges of the Court of King's Bench, being Lord Chief-Justice Abbott, and Justices Best, Bayley, and Holroyd, in delivering their judgments, which they did *seriatim*, unanimously expressed their conviction that no blame whatever was attributable to either the magistrates, yeomanry, or military engaged in the affray; so far from it, they stated their opinion that the conduct of those individuals entitled them to the thanks, not only of the people of Manchester, but of the country. He would read the opinion of those judges to the House. Lord Chief-Justice Abbott said, "It appears to me that the magistrates acted legally, justifiably, and with a promptitude and spirit that entitled them to the gratitude of the neighbourhood, and the thanks of their country. If, instead of putting an end to the meeting, they had suffered it to go on,—if they had suffered them to act as they pleased, after such speeches as we have an account of the beginning of, no man can say that the town of Manchester would have been safe for that night. There is no one who can venture to say that, in the course of a very few weeks, that town and its neighbourhood would not have been in such a state of insubordination and insurrection as must have led to the most fatal consequences. Many of us are old enough to remember what mischiefs were created in the metropolis, while the hands of justice were paralysed: lest I should be misunderstood, I wish to say that I am alluding to the riots in the year 1780. I have no hesitation in saying, that, if an hundredth part of that which was done on the sixth or seventh days of those riots had been done in the first instance, nothing of the kind would have occurred, which was afterwards so much to be deplored. It was, therefore, most important for the magistrates to prevent those acts which would reasonably lead to such fatal results; and which, we are informed by the evidence in this case, many of the persons who attended this meeting did certainly meditate. The address of the learned counsel concluded with a suggestion, that we ought to be able to see that there was a preconcerted design, on the part of the magistrates, to send in the military, in order to take away the lives of unoffending people, and prevent the recurrence of similar meetings. I own I am surprised at such an observation. The evidence warrants no such conclusion, but quite the reverse. I am of opinion that all that was done by the magistrates was done with temperance and forbearance." ["Hear, hear."]

It was not his own opinion he was propounding; he was reading the solemn judgment of the Lord Chief-Justice of England, judicially delivered. To assent to this motion would be to reverse the judgment of the Lord Chief-Justice of England, and the other judges, and to supersede the authority of the court in which they presided. The Lord Chief-Justice concluded thus, "I am of opinion that all that was done by the magistrates was done with temperance and forbearance, and that, for this conduct, instead of the reprehension which, by this motion, is attempted to be cast upon them, they are entitled to the thanks of their country."

Mr. Justice Bayley, who had had the advantage of hearing the previous trial of the hon. member, delivered this opinion:—"I personally have had an opportunity of hearing some evidence upon this subject, and of forming some judgment as to the legal points of the case; but I have no hesitation at all in saying this, which the recollection of the court will bear me out in, that the evidence in this case goes to points, to which in no former case it had gone; and that all the difficulty, and, in a great degree, all the doubt, which could have existed in any former case, was entirely by the evidence removed by this. There is abundance of evidence in this case—and I say in this case for the first time—that without the aid of the military the warrant could not have been executed. The observations I have made have a tendency to show that, in my mind, the verdict is in no respect against the evidence; but that, on the contrary, it is, from beginning to end, consistent with the evidence in the case. And I repeat, that the evidence as to many points is entirely new, and extremely strong; so as to re-

move, and I hope it will effectually remove, from many minds which previously did doubt, those doubts which those minds had entertained."

Mr. Justice Best said,—“It appears to me impossible any man can read this evidence, with an intention of understanding it, and not say that further mischief (on some future day) was the object. If that was the object, it was, indeed, a tremendous meeting. Every movement of that meeting was calculated to produce the terror that it did produce; and I think I am called upon to say, in consequence of what was said by counsel, that not only the county of Lancaster, but the surrounding counties, are indebted for the peace they enjoyed afterwards, to the courage and activity with which the magistrates dispersed this meeting. I would not have made these observations, if we had not been told that the conduct of these magistrates was scandalous; that it was all trick, and that they might have dispersed the meeting without the military. That is an assertion contradicted by all the evidence, and by common sense. It appears to me that there is no foundation for saying that all this was a mere pretence to let loose the military authority, and draw back the civil power.”

Mr. Justice Holroyd, who tried the cause, said,—“I think it is not only a proper verdict, but the contrary verdict would not, by any means, have been warranted by the evidence. And I think it right, likewise, to state, that I concur with the rest of the court in thinking (and it appears, I think, most abundantly by the evidence) that there was great anxiety on the part of the magistrates, from time to time, and during the whole course of the proceeding, to do that which was right, and, as it appears to me, to prevent mischief. And the evidence appears extremely strong as to the necessity of calling in the military, in order to execute the warrant. I say their evidence (in that of the officers and privates of the regiment of Hussars) goes strongly to show, not only that military force was necessary to execute the warrant, but that, if the yeomanry had been left to themselves, and further military had not arrived, the aid of the yeomanry would not have been sufficient for the purpose.”

Such was the decision pronounced upon this transaction by the judges, after the fullest enquiry, upon evidence given on oath, and while the events in question were fresh in the memory of all the parties concerned. Who could say with truth that this subject had not been enquired into, had not been disposed of finally by the tribunals best qualified to dispose of it justly. For his part, after the opinions of the judges expressed on the conduct of the parties accused, he would not, for the sake of any popular feeling, be guilty of so shabby and disgraceful an act as to abandon those whose conduct had been pronounced, not only free from blame, but entitled to high commendation; and he should, therefore, at once join in meeting the motion with a direct negative, on the plain merits of the question. If they were to revive those transactions, which ought to have been long since buried in oblivion, and subject the individuals accused and honourably acquitted to further examination, they would be doing that which was utterly inconsistent with the first principles of justice. The hand of death had now removed most of the parties who had acted a prominent part on the occasion in question; the long interval of twelve years had put much important testimony out of the reach of any human tribunal; full enquiry had been made at the time, and that enquiry had established the innocence of those who were accused. If no time, no acquittal, could protect public officers from new trials, on imperfect evidence, what prudent man would undertake a thankless public duty that exposed him to such persecution?

In reply to Mr. Hunt,—

Sir Robert Peel wished to say a few words in explanation. To those hon. members who heard him address the House they would be unnecessary, but to others who had since entered the House, some of the remarks of the hon. member for Preston might seem to call for a few explanatory observations. What he said relative to the employment of spies was this—that the employment of spies for the purpose of fomenting and exciting disturbances, and then bringing the persons who participated in those disturbances to punishment, was an unwarrantable use of improper instruments, which ought to subject the persons using them to the heaviest penalty which the constitution provided for such an offence; but he added, that he could not, as an honest man, having some experience of government, assent to the doctrine, that government were not justified under any circumstances in availing

themselves of the assistance of spies. Though not strictly in explanation, the House would perhaps allow him to give a complete contradiction to a statement which had been made by the hon. member. He had stated that the action brought by Redford against Captain Birley was a mock action. Was it possible to say any thing more unjust towards the counsel employed in the prosecution? Was it probable that the two honourable men who were employed by the plaintiff would have been parties to a mock action? The hon. member said, that the evidence which Redford gave upon the trial was of a nature to confirm his suspicions that the action was a mock one. Now, it happened that Redford, being plaintiff, was not and could not be examined, and, therefore, the principal ground upon which the hon. member rested his assertion was taken away. He begged to refer the House to the evidence given by a woman named Mary Dawson. She was asked, whether she saw stones thrown; her reply was "No." She was asked, whether the people made any resistance. She replied, that they did not. She was asked, what the soldiery did. She replied, that they cut the people as soon as they came on the ground. She was asked, whether she saw any persons wounded, and she replied, that she did, and that she took fourteen wounded men into her house, and dressed their wounds. Was this, he would ask the House, the sort of evidence which would have been brought forward, if the object of the plaintiff had been to defeat the ends of justice?

The House divided on the previous question: Ayes, 206; Noes, 31; majority 175. Mr. Hunt's motion was consequently negatived.

PARLIAMENTARY REFORM.

MARCH 22, 1832.

The Order of the day for resuming the adjourned debate on the third reading of the Parliamentary Reform Bill for England, having been moved by Lord John Russell, and put from the chair,—

Sir George Rose, Sir Edward Sugden, Sir John Cam Hobhouse, and several other members, addressed the House; after which,—

SIR ROBERT PEEL said, in the very multifarious speech of the right hon. baronet (Sir J. C. Hobhouse),—a speech which some persons seemed to think amusing, there was one topic wholly omitted, and that topic the bill of reform. As it was his wish, however, to address himself solely to that topic, involving, as it unquestionably did, the most important matter that had been ever agitated in Parliament, he should not waste the time of the House by the slightest notice of far the greater part of the speech of the right hon. gentleman, which had not the slightest connection with the subject. This was the first speech of the right hon. gentleman since his acceptance of office, and was it to be expected, that on a subject of such vital interest he should have thought merely of defending the conduct of his new colleagues on matters entirely extraneous to reform? Was that the only opportunity he could find of setting forth his own merit as the champion of the administration? Was that a time to dig from its grave the unfortunate budget of 1831? The right hon. gentleman charged the opposers of the Reform Bill with having entered into a party combination to strangle in its cradle that unfortunate and rickety offspring of the government. Combination, indeed! why, there was no necessity for them to lift a hand or say a word against it. It was quite enough for them to stand quietly by, and leave the budget to be smothered by the reformers. The misshapen offspring of financial love fell beneath the blows of the reformers. Who extinguished the threatened tax on funded property? Why, the hon. member (Mr. John Smith), he who, on the night when the Reform Bill was brought in, said, he lost his breath with delight and admiration of the measure, retained sufficient to puff out the life of that wretched abortion. The proposed taxes on landed property and on steam-vessels vanished, not through the exertions of the opponents of reform, but because the friends of that measure denounced such taxes as mischievous and absurd. So much for the misrepresented facts of the right hon. baronet. Now, to say one word of his doctrine: Was reform, then, already come to this, that the members of that House were not at liberty to examine

the conduct of government? Must they be altogether silent upon the budget? must they take no notice of the public expenditure? must they hold their peace upon all the subjects, however important, the government might think fit to introduce, because government must not be disturbed in its great labour of hatching reform? The right hon. baronet referred, with particular emphasis, to a question put on the subject of the Russian-Dutch loan on the night the Reform Bill stood for a second reading. And why not on that night? Were such enquiries distasteful to reformers, and incompatible with their reforms? But he would pass to other and more important matter than the speech of the right hon. baronet. There was, indeed, something in the personal appeal made to himself by the right hon. gentleman which might, even upon an occasion like the present, justify him in intruding for some time upon the House in answer to such an appeal; but as that was the last opportunity he should have of stating his sentiments on the bill, he would proceed, without further observation on the speech they had last heard, to the proper subject of debate—that tremendously important change, on which the future prosperity and grandeur of this mighty empire would depend. After the long lapse of time that it had been in progress through the House—after giving to it all the consideration its importance required—after the various alterations made in it, he should have felt happy if it was in his power now to say, that he saw in it less that was objectionable than when it was first proposed. He must, however, declare, that the reverse was the case. The time expended on it, however long, had cured none of the evils of the original measure. The more he considered that measure, the more he reflected on the consequences to which it would lead—consequences embracing every thing most valuable in the institutions and frame of society—the more he felt anxiety and apprehension, the more his objections were confirmed and strengthened. In whatever view he regarded it—whether with reference to its origin, to the period at which it was brought forward, to the example on which it was founded, to the means by which it was attempted to be carried, or to the consequences which might be expected from its adoption—he was filled with astonishment, mortification, and dismay. But vague and general condemnation of the measure was not his object. He had no other wish than calmly to review the main arguments on which an experiment—admitted by its authors to be a most perilous one—had been justified. The leading grounds on which the bill rested for its defence were two. First, that it was fraught with great practical benefit, since it remedied actual defects in the constitution long complained of by the people, by giving them a more full and free representation, by putting an end to small boroughs, conferring the elective franchise on large towns now unrepresented, and providing a guarantee for future good government. The second ground for it was, that there was so general a demand for reform that no discretion was left to the legislature, that, whether good or bad *per se*, that or some equally efficient measure must be adopted to conciliate the people, and to enable any administration to carry on the government of the country. For any thing in the shape of real substantial argument in support of either of these grounds, he must again refer to the speech of the member for Calne. That hon. and learned gentleman supported the measure upon the ground that it would improve the present system of representation, by giving the people more influence in the election of their representatives, and more control over the action of the executive government; and he inferred, as a necessary consequence of this increased influence and control on the part of the people, an increase of the general happiness. If that inference were a just one, there was an end of the question; but the whole point at issue was, on the justness of that inference, on the question—whether the great ends for which government was constituted would be promoted, in this country, by a vast increase of democratic power. The learned gentleman exhorted us to make the experiment of a great change in the representative system, on the express ground that the present system has proved a failure. He totally denied the assertion of Mr. Canning—which was the foundation of his argument against reform, namely, “That the system has worked well.” The learned gentleman admitted, that, if it had worked well—well for the country at large—the reasons for extensive change were materially weakened. As a proof that it had not worked well, he desired them to survey the whole structure of society, and to deny, if they could, that there was great privation, great suffering, great distress. They could not deny it, but they asserted, at the same time, that that suffer-

ing and that distress were not justly attributable to defects in the form or constitution of the governing power. How could society be formed, how could it exist, without vast and striking inequalities in human condition—without the extremes of worldly prosperity, and worldly privation? They had the “humble shed” and the “contiguous palace,” that sheltered rather than shamed it. And it was not enough to allege, or to prove, such inequalities, or the existence of much real and undeniable evil, much unmerited and incurable suffering;—was that evil caused by defects in the representation, and would it be removed by the removal of the supposed defects? This was the question. The learned gentleman was obliged to admit, that, in many most important particulars—in its influence on the administration of justice—on the formation of national character—the system had worked well. But then he maintained, that all that was good in the constitution of society was attributable to popular control on the action of government; that all that was evil was attributable to the absence or diminution of that control. Therefore, said the hon. gentleman, “increase the control, and you will increase the good, and abate the evil.” But surely that reasoning took for granted much that could not hastily be admitted. Was it so clear that to democratic influence we owed all that was estimable in social life? Did it follow, that, admitting that the existence of that influence was essential to the maintenance of the blessings we enjoyed, that the increase of that influence must necessarily make a corresponding increase of the good which flowed from it? Might not all depend, in politics as well as physics, on the due admixture and proper proportions of contending elements? Suppose the learned gentleman were to argue thus:—“I find the air we breathe a compound of certain qualities—one pure, the other noxious—one essential to combustion, to respiration, to the maintenance of vegetable and animal life. To the one I attribute all the enjoyment of life, and to the other all that is destructive of it; let us separate the evil principle from the good one, and let us in future breathe nothing but oxygen.” His argument in that case would be just as rational as his argument in the present case—that we have nothing to do but increase the democratic power, in order to ensure good government and public happiness. The great inequalities in the condition of mankind might be, in one point of view, an evil. There was—who could deny it—superfluous affluence coexistent with acute and undeserved suffering. But could they eradicate the evil, if it be one, without evils ten times greater—without destroying the security of property—the incentive to industry and virtuous exertion—without undermining the foundations of society? Nay, was there not reason to doubt whether one of the consequences of improved civilisation, by stimulating ingenuity, by protecting property, was not to create and increase those inequalities in worldly prosperity—those contrasts of extravagant wealth and deplorable penury, which were alleged as the proofs of defective government? It was useless, and worse than useless, to excite the hope that any reform, or any powers of legislation, could remedy much of the evil which they knew and admitted to exist. What had been the course which, in this session, the authors of the measure of reform had themselves pursued, with respect to cases of notorious and grievous suffering? In the course of the last fortnight petitions had been presented from the silk trade and the glove trade, complaining of such distress, that thousands who had been brought up to those trades were unable to earn their livelihood? The facts were admitted; and what course did the government take? Did they encourage any hope of relief from legislation? No. Their language was, “In the complicated state of society, improvements in machinery, vicissitudes of fashion, and other causes, must affect your position. It is impossible to improve your situation by parliamentary interference—nay, we will not even enquire into the causes of your distress, for the enquiry itself would only raise expectations which must be disappointed.” And such language might be wise. But if wise on that point, it was wise also with reference to the constitution. It proved that severe privations might be suffered, without an impeachment of that constitution. That language, as he before observed, might be wise, but what was it that had enabled the government to hold it? What was it that had enabled the government, at different periods, to act independently of petty local interests and popular prejudices, and to follow that course only which they thought for the benefit of the people at large—what but the borough representation? What was it but that which had enabled Mr. Canning to pursue such a course? He had given up the representation of Liverpool, because he found that

the protection of local interests might embarrass his action as a minister of the Crown. He had taken refuge in a small borough, where he had no such interests to consult, and, by that means, was enabled to devote all the energies of his mind to a general and comprehensive view of the various and complicated concerns of the whole country. The present ministers had been able to adopt a similar course with respect to many minor questions, in consequence of the excitement which existed about the Reform Bill. They had been made, in a manner, independent of their own supporters—independent of popular clamour on commercial subjects, by the overwhelming interest attached to one particular question. They had been able to say to their followers, “Do not thwart us on this point, for, if you do, the success of the Reform Bill may be endangered.” But would they always be able to do that? Certainly not. The time would come when they could no longer avail themselves of the powerful lever of reform—when they could not direct, but must submit to, popular impulse. When that time came, he doubted whether they would have the same power of applying general principles, and disregarding temporary clamour, whether they would then be able to refuse committees, which would be required on every depression of trade, and at every moment of partial distress, deranging the course of commerce, and unsettling the credit and the business of the country. The hon. and learned gentleman said, that if a reform had some years since taken place in the House, we should have had, first, an improved system of legislation, both as regarded commerce and jurisprudence; and next, an effectual discouragement of war. Such wars, he said, too, as were necessarily entered into, would not have been so feebly conducted; and in time we should have been free both from the rancorous hostilities of domestic party spirit, and from the fear of foreign invasion. The country would have enjoyed internal repose, and the blessings of general peace. It was very easy to say these things, but extremely difficult to prove them. The hon. and learned gentleman had assigned no reason for entertaining that opinion; but he would assign some reasons for an opposite conclusion. With respect to the subject of war, which had been already so admirably treated by his noble friend (Lord Mahon), he knew no fact the hon. and learned gentleman could adduce to prove, that if, at any given period of the history of this country, there had been such a reform of this House as was now proposed, there would have been that discouragement to undertake war which the hon. and learned gentleman contended for. The hon. and learned gentleman admitted that wars had been occasionally popular in recent times; but then, said the hon. and learned gentleman, “however popular such wars might have been in the beginning, I think, if we had had a reformed parliament, those wars would have been put an end to much sooner than they actually had been.” But when a war was once begun, it was not always in our power to choose the moment when it should terminate. If the hon. and learned gentleman admitted that republics and popular governments generally were inclined to war, he admitted every thing. There was an end of his prophecy of perpetual peace. The hasty inconsiderate demand for peace might be just as dangerous as the clamour for war. Now, with respect to our jurisprudence, what evidence was there that any reform in parliament would make that House more disposed to improve our jurisprudence than it was as at present constituted? The hon. and learned gentleman said, that that House had evinced a disposition to oppose legal reform. But by what portion of the House was that disposition manifested? What was the fate of a bill brought in that session by a staunch supporter of the Reform Bill? The Tories appointed a committee to enquire into the law of real property, and all the members of that committee concurred in opinion, that one of the greatest improvements that could be made in that branch of jurisprudence was, the adoption of a general registry bill. The necessity of it was felt so strongly, that an hon. and learned member of that House introduced a bill for that purpose, and he professed himself unable to conceive how people could be so obtuse as not to see the absolute necessity of such a measure. The registries in Yorkshire and in Middlesex were held up as conclusive proofs that the landed interest would be considerably benefited by the universal adoption of a general registry. But, although reformers were predominant in that House, so far from showing a disposition to act in accordance with the view taken by their brother reformer, they totally abandoned him and his reforms. He

came down to the House and complained that there had started up a host of attorneys, actuated, no doubt, by the purest principles, who had so operated on the reform members, and had produced such opposition to the registry bill, that the learned author of the measure was obliged to take refuge in a committee, and had not the least prospect of contending successfully against the partialities, prejudices, and obtuseness, not of the boroughmongers, but of the reformers—of those who were returned by popular elections, and were compelled to yield to popular clamour. The most strenuous supporters of the Reform Bill, among whom was the noble member for Yorkshire, concurred in treating that measure of legal reform as they treated the budget: and nothing had been done to meet the exigencies of the times, or the just demands of the rational part of the people. Now, if that was the fate of legal reform in the House as at present constituted, if the attorneys could raise such a storm with their present means, just conceive that House to be chosen by the newly-created constituency of £10 householders, and then say whether there would be the slightest chance that the registry bill should pass? If that measure could be defeated now, what probability was there that a parliament, chosen by that class who constituted the chief opponents of the measure at present, would allow it to become a law? But the hon. and learned gentleman said, that, if we had had a reform bill some thirty or forty years ago, all the evils of which we now complained would have been corrected. To that observation one very manifest answer offered itself. The hon. and learned gentleman assumes, that, if a reform in parliament had taken place at the period he mentions, the reformers of that day would have seen with our eyes, and have estimated every thing by the same standard which was now adopted. But was it not obvious that, if the constitution of this country had been new-modelled forty years since, reference must be had, in judging of the practical effects, to the then state of intelligence among the people—to the then state of their feelings, prejudices, and opinions? Let it not be supposed that there would at that period have been raised in a reformed parliament the present loud demand for economy; or, that a clamour against war, or an imperative call for reform in our civil and criminal jurisprudence, or in the management of the property of the church, would then have been heard, because we now heard it. Suppose, for instance, that, in 1784, there had been a reformed parliament, would such a parliament, returned upon the principles of the present bill, have been disposed to take enlightened views on commercial subjects? Certainly not. In 1785, Mr. Pitt brought forward his commercial propositions with respect to Ireland. Mr. Pitt said, that he proposed the measure with the view of enlarging the intercourse between this country and Ireland. He expressed his wish to have the system of bounties, drawbacks, and every onerous duty, done away with; it being his opinion that the prosperity of Ireland and that of England were the same, and that the best interests of both countries would be consulted by extending their commercial intercourse. These were the opinions of Mr. Pitt: but they were not the opinions of Mr. Fox, who might be considered as a fair index of the popular opinion of that day. Did the hon. and learned member believe, that the £10 householders of that time would have returned a man more enlightened than Mr. Fox? And what were the enlarged views of that eminent statesman on the subject of trade. He said—“There is no one benefit which Ireland can derive from an extended intercourse with this country, which will not lead to an insidious competition on the part of Ireland. It is this which will stir up jealousy between the two countries, and make Englishmen and Irishmen look at each other with cold hearts and suspicious eyes.” At the time those sentiments were put forth they were in conformity with popular opinion. That opinion concurred with Mr. Fox, that commercial benefits were not reciprocal, and that every advantage which Ireland would reap from the resolutions would be to our detriment. It would be absurd to measure the intelligence of a reformed parliament of that day by the doctrines held at present, or by the advance which science had since made. In 1786, Mr. Pitt negotiated a commercial treaty with France; in defence of that treaty in 1787, he laid down these principles:—“France was, by the peculiar dispensation of Providence, gifted, perhaps more than any country upon earth, with what made life desirable in point of soil, climate, and natural productions. It had the most fertile vineyards, and the richest harvests; the greatest luxuries of man were produced in it with little cost, and with moderate

labour. Britain was not thus blest by nature; but, on the contrary, it possessed, through the happy freedom of its constitution, and the equal security of its laws, an energy in its enterprise, and a stability in its exertions, which had gradually raised it to a state of commercial grandeur; and, not being so bountifully gifted by Heaven, it had recourse to labour and heart, by which it had acquired the ability of supplying its neighbour with all the necessary embellishments of life in exchange for her natural luxuries. Thus standing with regard to each other, a friendly connexion seemed to be pointed out between them, instead of the state of unalterable enmity which was falsely said to be their true political feeling towards one another." But, what said Mr. Fox?—"France has always been the natural foe of this country: she has consented to this commercial treaty for an insidious purpose. In the reign of Charles II. and of Louis XIV., an unnatural alliance was attempted between the two countries, but I deprecate all alliance for the future. Trade is a miserable consideration; and I attribute this treaty to those dirty commercial considerations which entirely shut out all higher motives of policy. England must have nothing to do with France." Now, he asked, if, in the year 1786, there had been a reformed parliament—the express image of the people—of the £10 voters to be now created—would Mr. Pitt have succeeded against Mr. Fox? Which of the two would have maintained the popular opinion of that day? Could there be a doubt, that, although we now readily acknowledge the superior wisdom and intelligence of Mr. Pitt, as to the principles of commercial intercourse, that a House of Commons returned by popular choice, in 1787, would have adopted the sentiments of Mr. Fox? Therefore, he said, the learned gentleman had no right whatever to assume that reform, applied forty years since, would have ensured that enlarged and enlightened legislation of which he spoke. A part of the speech of the right hon. baronet (Sir John Hobhouse) appeared to be founded on the impression that, even at that late period of the discussion, he (Sir Robert Peel) intended to propose some measure of reform. With respect to that matter, to which, indeed, the hon. and learned gentleman first alluded, he begged to assure both him and the right hon. baronet, that he never meant in the slightest degree to question their right to examine and comment upon his public conduct. He admitted that right in its fullest extent. But those gentlemen would, of course, concede to him the corresponding right of correcting their errors. The hon. and learned gentleman especially alluded to the line of conduct he had pursued on the Catholic question; and he did him an injustice, for which he could not account. He had hoped that all unkindly feelings on that topic were at an end; and certainly he wished not to revive them. He was ready to acknowledge that he always listened, not only with great attention, but with great admiration, to that flow of chaste and pure language, which, however rapid, seemed scarcely able to sustain the rich freight of thought and fancy which it bore along. Not denying the right of the hon. and learned gentleman to attack his political conduct, not objecting to the tone of his observations; at the same time, he should have expected, if he was to be attacked for his conduct on reform, that the learned gentleman would have been the last man from whom that attack would come. If he was to fall from that particular shaft, he could never have believed that it would have been drawn from the quiver of the learned gentleman. On the Catholic question the charge against him was, that he had appropriated the honour due to others; that he had stood aside, had seen others sow the seed, had watched the approach of the harvest, and then had stepped in, and reaped the fruits of their toil, and the honourable reward which was justly due to their labours. But what was now the charge? That he had done the same thing on reform? Just the reverse. The charge now was, that he had not brought in a Reform Bill; that he had not made some servile copy of the measure of the hon. gentlemen opposite; and, because he had not done that, he was as open to accusation and censure as before. The learned gentleman reminded him of the attack made upon the physicians who attended Mr. Fox. Mr. Trotter, the private secretary of that statesman, in a public letter, declared that the physicians ought to have been brought to justice for having administered foxglove to their patient for his particular disease. The physicians declared that they had not administered it: Mr. Trotter immediately turned round upon them, and exclaimed—"Why have you not? You ought to be condemned for not having administered it. It might have been the only remedy for his disorder." The charges of the learned gentleman against himself

were as contradictory as those of Mr. Trotter. When he brought in a bill to accomplish the objects which others had so long advocated, the learned gentleman accused him of seeking to deck himself with their plumes, and to assume a merit which was not his due. When he did not bring in a bill for reform, the same learned gentleman was equally indignant, and demanded from him a Reform Bill, with just the same vehemence with which he condemned him for having brought in the Catholic Relief Bill. He had no Reform Bill to bring forward. He did not believe that the reform contemplated would be an improvement of the constitution. He did not believe that it would remedy the defects of which ministers complained; but he feared that it would expose the country to great hazard, and he was not prepared to bear the responsibility of bringing it forward. He had retired from office rather than undertake that task; and, if he differed from the public voice, surely he had a right to maintain his own opinion, being prepared to submit to all the consequences of adhering to it. The learned gentleman asked, how could a man venture to act in opposition to the vast majority of the people of England? Did, then, the learned gentleman mean to declare himself an enemy to private judgment? Was not a man at liberty to entertain and act upon his own opinion in political matters, even though the universal voice of the people of England should be raised against that opinion? If he differed from the people of England, he differed from them reluctantly and respectfully; if he thought that they were intoxicated, they had no right to reproach him if he chose to remain sober. He firmly believed that this measure of reform would not promote the good government and the happiness of this great country, and, therefore, to the last he would oppose it. But then came the second of the two leading arguments for reform, namely, that, whether good or bad, it was inevitable, that the demand for it was so universal and overwhelming, that it became impossible to administer government, and execute law, without a reform, based on the same principles, and carried to the same extent, with the present bill. No prudent man would assert, that, provided there was among the intelligent and reasoning classes of any country a deep-rooted and permanent feeling of dissatisfaction with any public institution connected with its government, that feeling could, with safety, be abruptly and contemptuously disregarded. If it could be shown that, whatever might be the abstract merits of a constitution, the people were dissatisfied with it; that they had outgrown its original dimensions; that it was no longer applicable to the wants and interests of society; that the basis on which it rested was too narrow; that the public administration could not be carried on without constant suspicion on the part of the people—in such a case it became no doubt the duty of parliament to devote its deliberate consideration to the means of effecting some change. He was bound to admit, that it would have been difficult if not impossible for any administration to have been formed on the principle of resisting altogether Parliamentary Reform. He had thought, also, that, whenever the time for reform should arrive, it would be infinitely better that the question should be taken up by those who had been its uniform friends, rather than by those who had been its uniform opponents. An arrangement made by the latter would have been much less likely to be permanent and satisfactory than if it came from the friends of the measure. It was his firm belief that the gentlemen opposite had the means of making an adjustment of this question, which would have been satisfactory to the rational and respectable portion of the country, in spite of any opposition which any other party might have offered to it. The present ministers came into office at a period, no doubt, of great excitement, when there was existing in this country a disposition to disturbance, excited, not by any settled deliberate desire for reform, but by the absurd admiration of the triumph of physical strength in France. It was natural enough that the people of this country, with their notions of liberty, should rejoice at that triumph—that they should rejoice at the defeat of the illegal ordinances of July, and of the military force of a despotic power; but it was ridiculous to see the people of England desirous of imitating the example of France, without its provocation, and attempting to cut their clumsy capers in revolution after the manner of the harlequins of Paris. The present government was called to power at a great crisis, and they had the means, by common prudence, of overcoming the difficulties of that crisis. He granted, that there was a desire—a permanent, a growing desire—for reform among the sober and intelligent classes of the community; but surely that feeling might have been, and ought to have been, distinguished from

the drunken fit of temporary enthusiasm with which the events of Paris were regarded. It ought, too, to have been distinguished from that spirit of discontent and disaffection which, however they might constitute the government, would always be found, varying no doubt in degree, among the vast masses, with complicated and conflicting interests, of which society was composed. At all times, and under all circumstances, they must calculate, that distress would produce the disposition to turbulence, and that evil spirits would be found able and willing to direct and to profit by such a disposition. When David raised his standard against Saul, "every one that was in distress, and every one that was in debt, and everyone that was discontented, gathered themselves unto him, and he became a captain over them." Human nature had undergone no change; and he feared there would always be found a permanent fund of discontent and dissatisfaction in every country. But his argument was, that the present ministers had it in their power to separate these angry elements of confusion, and to discriminate between the demands of dissimilar classes of men—those who acted upon a cool and deliberate judgment in favour of a temperate reform, and those who, in the height of their maddening excitement, called for the most perilous innovations. If ministers, instead of giving immediate notice that they intended to bring forward without delay this extensive measure of reform—a measure much more extensive than they themselves had ever previously contemplated—totally differing, as was well known, in character and degree from that which Mr. Brougham intended to propose—if, instead of that, the ministers had stated, that they would, at all hazards, postpone the consideration of reform until the fits of temporary enthusiasm had subsided, and until they could distinguish the flow of the pure stream of opinion from the turbid waters of passion which were for the time mingled together—he was certain that every sober-minded and reflecting man in the country would have acquiesced in the prudence of such a delay. No doubt there must have been a pledge of reform; but would the people of England have refused, to a government so pledged, time to consider and mature both the principle and details of such a vital measure? Were they so infatuated as to insist, not only on a radical reform, but on its production within two months? The fact was, that at no time was there a general wish expressed on the part of the rational and respectable part of the community for a change of so extensive a nature as that which ministers had proposed. Did they mean to say, that, if they had come forward, and declared that they were determined to destroy the principle of nomination boroughs, and confer on populous places the right of returning representatives, that the people would have been dissatisfied, and that they would have incurred the risk of defeat either by the party which opposed all reform, or the party which now cried aloud for greater innovations? Could ministers assert that, if having largely enfranchised the great towns, they had proposed to make the extent of disfranchisement depend upon the number of places enfranchised, so as to form a natural barrier against future innovation; at the same time, giving to Ireland and Scotland such benefit from an improved representation as they were then disposed to give to those countries; did ministers, he asked, think that, if they had adopted such a course, they would have disappointed the expectations of the most sanguine reformers, or have failed in satisfying all reasonable and considerate men? His firm belief was, that, in spite of all opposition, ministers had the power of carrying to a successful conclusion such a measure as would have proved perfectly satisfactory. They had, however, not only gone to a most extravagant extent in their confiscation of existing rights, but had embodied in the provisions of their bill, principles which must eventually preclude all permanency in their far-named work. It might have been impossible longer to uphold the principle of nomination; but where was the necessity of altering the whole representative system of the country? That was not essential to the success of any reform desired by the people, and not connected, in the slightest degree, with the principle which ministers professed to act upon. They had, however, by the course taken, shaken the very foundation of the representative system, and had destroyed all those prescriptive rights which could alone give stability to institutions of government. If they had left all large places, having popular rights of representation, in the enjoyment of their ancient franchise, it would have been perfectly consistent with rational reform; but, no; ministers had declared that these places should enjoy the right of representation, not because they had enjoyed it for centuries—not because their privileges were

sanctioned by grants and charters of incorporation—but because they happened to correspond to a new and fanciful standard, by which they thought fit to mete out the right of representation to the people. In new boroughs new rights must, from the nature of the case, be called into existence; but why not create the new, and, at least, where it was a popular one—leave untouched the ancient franchise? The destruction of it was a mere wanton innovation, a gratuitous sacrifice of that prescription which was the foundation of their rights, and the main stay and strength of all civil government. Ministers never had any valid reasons for the extent of the alteration to which they had gone, either upon the ground of the defects of the constitution, or upon that of popular demands. That there had now arisen such a demand, which it might be difficult for any statesman to resist, he could not deny; but why had it arisen? Because, for the first time in the history of this country, the people had seen the throne and the government ranged against those restraints of authority which had hitherto been considered necessary for the well-being of the empire. Difficult, indeed, must it be to maintain those restraints, when the king's ministers were united with the populace in denouncing them, in holding up the members of the House of Lords as corrupt, and, in the wild spirit of destruction, devoting the whole constitution of the country to annihilation as a rotten and evil thing. Who, when they beheld ministers siding thus with popular clamour, could be surprised at the popularity of reform? It appeared as if the reins of the state had been confided to some youthful and inexperienced hands; and who, left without any guiding principle, or any controlling sense of duty, were rushing on with headlong violence, which wiser men could not moderate or restrain. If the older and more experienced members of the cabinet chose to confide the conduct of this dangerous measure to the care of their youthful colleagues, known and distinguished only for their rashness and presumption—they should have at least forewarned them of the difficulties they had to encounter, the perils they had to incur, and the fate which would probably await them. They should have said to any one of those persons, whose ambition made him press for an employment so fraught with danger to himself and injury to others—

“Non est tua tuta voluntas;
Magna petis Phaeton, et quæ nec viribus istis
Munera conveniant, nec tam puerilibus annis.”

They should have given him the salutary caution, that the fiery steeds which he aspired to guide, required the hand of restraint, and not the voice of incitement—

“Sponte sua properant, labor est inhibere volentes,
Parce, puer, stimula, ac fortius utere loris.”

If the caution had not been given—or if it had been disregarded—let them hope, at least, that the example of their suffering might be a warning to others, and that another lesson to the folly and rashness of mankind might be read by the light of their conflagration. He had stated his reasons for dissenting from the conclusions in favour of this measure of reform urged by its supporters. He denied that there was any such degree of practical evil attributable to defects in the present constitution of the House of Commons as to justify the hazardous experiment they were about to make, and if there was a necessity for yielding against their judgment, to a popular demand for reform, he asserted that that necessity had been created by the king's government—by the use which they had made of the king's name, and by their uniform endeavours to increase, instead of to allay, public excitement. He had been challenged to state the specific dangers which he apprehended from this bill of reform, and he would obey that call. In his opinion, the bill would give an additional influence to the democratic power of the state, as distinguished from the monarchy and the House of Lords, so great as to make that power supreme, and virtually, therefore, to convert the mixed government under which we had lived into a simple democracy. He saw no prospect that the king would hereafter be enabled to exercise an unpopular prerogative, however necessary that prerogative might be to the permanent interests of the country. He thought they were about to sacrifice the means which they then possessed of resisting the first impulse of the tide of popular opinion. If that tide set in with a steady unchanging course, it was sure even then to prevail;

but they had at present barriers against the first shocks which enabled them to outlive a temporary storm of passion, and to yield, if it should become necessary to yield, with a cautious and gradual relaxation of the ties and holdings which secured the established order of things. But hereafter there would be no *vis inertia* in the machine of government—none of that power of resistance to the restlessness of a desire of perpetual change, which at present resulted, not only from the monarchical principle of government, but from the feelings, habits, and prejudices which were interwoven with ancient prescriptive institutions. The power of the House of Commons would hereafter be supreme; the other branches of the legislature would exist merely by sufferance, until it was discovered that institutions which had merely the shadow and semblance of authority were useless and expensive pageants, and had better be abolished. How could the king hereafter change a ministry? How could he make a partial change in the administration, in times of public excitement, with any prospect that the ministers of his choice, unpopular perhaps from the strict performance of necessary duties, would be returned to parliament? How many men pre-eminently fit for official station would be excluded, because they would not condescend, or had not the art to recommend themselves to popular constituencies? By the very act of making all places necessary places of popular election, an end was effectually put to the exercise of this prerogative of the Crown, and so far a revolution had been worked in the state. Ministers of the Crown might lose the confidence of their constituents: it had happened in the case of the noble lord (Lord Palmerston). Such a case might occur again, under other circumstances. Take, for instance, the law-officers of the Crown. Let not his opponents say—“We deal with general principles, and not with petty details: and that the Crown officers, like other candidates, must recommend themselves, by popular courses, to popular approval.” They might hold that language, but men acquainted with the practical workings of the British constitution knew that it was fallacious. It was not right that men filling high and responsible offices should be compelled to court popular favour, by making sounding speeches about the liberty of the press, and gaining the favour of the populace by the most despicable prostitution of their minds and acquirements. How could the Crown have obtained the advantage of the services of the present Solicitor-general, if it had not been for a small borough? How could they ensure the return of a man who might be the ornament of his profession, and by the admission of all pre-eminently qualified for the office of Attorney-general? They would have able, and acute, and stirring lawyers in the popular interest, returned to that House, and it would become of still more urgent importance, that the interests of the Crown should be vigorously defended by its legal advisers? In what situation would the Crown be left, if it had no Attorney-general in that House? It was only last night, that something fell from his hon. and learned friend (Sir Charles Wetherell)—with whom he was happy to unite on that occasion, and bury in oblivion all past differences—whose integrity he respected as much as he admired his abilities; but, even from him, something fell which struck on the sensitive ears of the Attorney-general as disrespectful to the Crown. The hon. and learned Attorney-general was wrong: he had mistaken the language, and the intention with which it was uttered; but the manner in which the matter was taken up by the Attorney-general, though in mistake, showed how important it was that the Crown should have an Attorney-general in that House alive to any insult or disrespect which might, in the heat and inadvertence of debate, be offered to the royal authority. The king's Attorney-general, faintly suspecting that his royal master had, by remote allusions, been likened to a tyrant of former times, rebuked with honourable, though mistaken, indignation, the indecent and revolting comparison. One readily forgave the mistake, in admiration of the feelings, so sensitively loyal, which prompted the Attorney-general to resent an attack upon royalty. How important was it, that the Crown should always have such prompt and zealous defenders! But could any man suppose that such an Attorney-general would be found, when he must obtain the suffrages of the £10 householders of Marylebone, Lambeth, or the Tower Hamlets? Again, it was no inconsiderable objection, in his mind, to the proposed measure, that it would disturb the operation of the great experiment made with respect to Ireland three years since. The whole constituency of that country was then to be changed. It was not the mere addition of the number of voters, but a total change in the character of the constituency,

established in Ireland. Were his fears on that head visionary? No: there must still be ringing, in the ears of hon. members the speech of the learned gentleman on the third bench (Mr. Sheil), one of the most strenuous reformers, and most distinguished orators of his country. In language and in tone the most emphatic, he, on a late occasion, addressed to the government some such words as these:—"Take warning in time: what is your policy? You have made a race between legislation and events; an incident happens, straight comes an act of parliament; another incident arrives, behold a committee and another act of parliament. Thus you go on, running a race with events, and events are sure to win it. Awake for God's sake, to a sense of the condition of Ireland; embrace her evils in one large and comprehensive system of immediate amelioration; let us have no "bit-by-bit reforms." Lay not that unction to your souls—burn not that incense which self-adulation offers to itself—do not hope, do not so far delude yourselves as to think that, by dallying with the evils of Ireland, by procrastinations, and puttings off, by sometimes giving buffets, and sometimes offering caresses to Ireland, you can effect the tranquillization of that country. For it has come to this pass, and it is not I alone that tell you this; but events—those voiceless but eloquent monitors—call on you as they pass, to throw aside your prejudices, to legislate, not on the views of party, but on the principles of human nature, and, warned by the calamities that impend over us, to rescue from destruction the unhappy land which, under all changes of government, and all vicissitudes of party, appears to have been foredoomed to distraction, and predestined to misrule." The learned gentleman concluded his eloquent speech with these pregnant and emphatic words:—"Recollect the Reform Bill is about to pass—a general election must shortly follow—it is your turn this session, but it will be ours the next." The hon. gentleman had described his own address to government as an act of the purest good-will—a friendly shaking of blind men on the edge of a precipice. Most certainly, if the friendliness of the act was at all in proportion to the force of the shaking, the ministers were under the deepest obligation to the learned gentleman's cordiality. One thing, however, his speech showed clearly enough, namely, his anticipations of the effect of reform upon Ireland. There was another important topic on which the bearing of this bill must be great: the extent of the change which it would produce with respect to the interests of the established church, it was impossible to calculate. By selecting the £10 householders as electors, a power would be given to Dissenters, with reference to the established church, which, under no other kind of constituency, whether the elective franchise were higher or lower, they could have possessed. Add to the increase of power obtained in this country by the Dissenters the new representation of Scotland, and the increased representation of Ireland, and it would be difficult to say to what extent the interests of the church would be affected. With respect also to the bearing of this great change on another important interest—he meant that of the public creditor—he could not help entertaining very serious apprehensions. The whole tendency of the bill was to give new power to the debtor at the expense of the public creditor. The mass of the people subject to taxation would acquire increased power; but the creditor would scarcely retain any influence whatever. It was very well to say, with the learned member for Calne, that public assemblies never refused to pay their debts. He knew not on what ground that assertion was made, but the hon. member probably meant to intimate to the public creditor that his property was perfectly safe. If the treasury contained the means of payment, such language might be held with some semblance of justice; but when, at the very moment that the public creditor was told not to be anxious about his debt, there was an actual deficiency in the means of payment, and the taxes had to be levied every year from a people unwilling to pay, and to whom the House was about to give the power to refuse, the ground for alarm was very considerable. He did not mean to sanction the belief that danger would approach in the stern character of spoliation, but it would be quite as effectual if it came under the demure aspect, and in the seductive guise of the new doctrine of "fructification." He feared that a reformed parliament might act upon the principles of the present government, and, from a desire to alleviate the sufferings of the people, might make a too extensive reduction of taxation. A fall in the revenue, occasioned by some such events as had recently occurred in the West Indies, would cause a deficit in the treasury, which a reformed parliament would be very unwilling to supply by the imposition of

fresh taxes. The moment such an event took place, public credit would be lost, confidence would be destroyed, and the active industry of the country would be shaken to its very centre. These were the main grounds on which he resisted the present measure. He considered it a fearful experiment, called for by no necessity other than that which the proceedings of its authors and supporters had created, adopted at a moment when the experience of passing events should have taught them the hazard of unsettling ancient institutions. The right hon. baronet who spoke last had read to them a very long 'extract' from the work of Madam de Staël on the French Revolution, and the quotation was the more complimentary to the writer, inasmuch as it appeared to have no possible bearing on the present question. If the hon. baronet would have referred to more recent publications on the state of France, and the condition of society in that country, he might have read to the House lessons more instructive. He would find, in the columns of a powerful advocate of reform (*The Times* newspaper), from an able and impartial eye-witness of affairs in France, evidence which it was folly in them to disregard. That evidence was contained in a letter of such recent date as the 28th of February, of which he would read an extract. The writer observes, "We have now a melancholy experience of the reduction of the electoral qualification. That imprudent measure could not have been more formally condemned by its results. In that chamber, which doubtless contains men of high talent, though of these the greater portion sit in silent dissatisfaction, the most conspicuously indiscreet keep up an agitation, and too often succeed in effecting their objects. Town-bred envy, and the spirit of animosity which animates the petty provincial landowner, are the prominent characteristics of the elective chamber. Those who are averse to all superiority, offended at all splendour, and hostile to all dignity, amuse themselves by decrying the ermine and purple with which the law has invested the magistrates. The term 'economy' was never more ridiculously abused; it has become a watchword, a sort of bell, which is rung in the ears of the ignorant classes, to elicit applause in the *café* or the *estaminet*. What do you think of the president of a sovereign court, whose emoluments are reduced to 300 of your pounds sterling, and whose salary is lower than that which you grant to an obscure clerk in one of your public offices? What say you to the war which is waged against science and literature in the persons of professors, for whose services and capacities the most degrading bargains are made? By empty words, scholastic sophistry, and declamation devoid of sincerity, the service of the state is degraded and disorganized. It is a great misfortune to a country when power falls into the hands of the lower classes, and is exercised only to gratify the petty passions of petty persons. Our Director-general of bridges and highways, who annually executes public works at the cost of 60,000,000, has had his salary, which under Napoleon was 80,000 francs, curtailed, first to 50,000, and then to 40,000, and it is at length reduced to 20,000. For 20,000 francs, the Director-general of domains and registration must superintend a department which produces to the state an annual revenue of 20,000,000. As good neighbours and men who know what belongs to the dignity of a great nation, pray do us the favour to flagellate our modern Lycurguses. Let them be taught a lesson from the other side of the channel, even though they should regard it as contraband merchandise. We may reciprocally exchange these little friendly services, and, as for myself personally, I am at your command." This came from the correspondent of that paper which boasted that it was incessantly spurring the galled sides of the jaded ministerial mules, who were slackening in their ardour for reform. He maintained that all the expectations entertained by the partisans of French revolutions had been proved false. Expeditions were fitted out to propitiate the military spirit of a reckless democracy. The finances of France were in a ruinous condition. There was no public order—no tranquillity—no security—no prospect of repose. Hon. members had spoken in that House in favour of the establishment in this country of a national guard. Let them turn their eyes to what was passing at Grenoble, and possibly their admiration of a national guard would be abated. He lamented the disposition that prevailed to undervalue the many blessings of the social condition of England, and to hazard them in the attainment of one object of very questionable advantage—a uniform and popular system of representation. Let it be conceded that such a system would ensure a strict economy in the expenditure of the public money—let it

be conceded that it would bear the promised fruit of pensions abolished, estimates reduced, salaries curtailed—alas! how small an ingredient were all these in that combination which constitutes the social happiness, the moral enjoyment, of a great nation? How miserable the gain, if it should be proved to have been secured at the expense of that refinement in manners which was the charm of society, and of that liberty which was unworthy of the name unless it was enjoyed in common by the wealthy and by the poor—by the learned leisure of the cultivated mind, as well as by the active obtrusive talent of vulgar politicians! He could figure to himself a powerful intellect capable of appreciating that true liberty; and of weighing the causes of the moral decline of empires—contrasting the social condition that, he feared, was to be, with that condition which they had inherited, but would not transmit—he could fancy a man so endowed, scorched by the unmitigated blaze of a fierce democracy—panting for the shade and shelter of less popular institutions, and venting against them (if he were allowed to vent them) the bitter execrations of a wounded and indignant spirit. He could fancy such a man in the full enjoyment of all the blessings of reform—taxes abated, newspapers unstamped, tithes abolished, the dying fury of the election revived by the annual registration—he could fancy him contrasting all that had been gained with all that had been lost, and then exclaiming—“And was it for this that you have put rancour in the vessel of our peace? Was it for this that you disturbed the balance of that mixed form of government which had solved the great problem in political science, by combining with vigour in the executive the liberty and security of the subject? Was it for this that you paralyzed the remaining force of that ancient monarchy, which connected, through a long succession of centuries, the present with the past, and which—being purified from every taint, and deriving only strength from its association with the romance of feudal history—reposed with double confidence on the feelings of prescriptive veneration, and of affection towards a mild and paternal rule. Was it for this that you destroyed that system of manners, equally remote from the servility and frivolity of ancient despotisms, and from the coarseness and selfishness of modern democracies—that system of manners which included many privileges, but recognised no barriers—which had high distinctions, but made them accessible to all, for the purpose of supplying, even to the humblest, an incentive to toil and virtue—more powerful, because less sordid, than the incentive of wealth? Was it for this that you robbed of its mild predominance an established religion—pure in its doctrine, and tolerant in its discipline and practice—and debased Christianity, and banished peace, by the conflict of the thousand sects that range between the extremes of infidelity and superstition? Was it for this that, in the words of immortal eloquence, you dispelled those illusions that made power gentle, and obedience liberal—that harmonised the gradations of society, and, by a bland assimilation, incorporated into politics the virtues that adorn and soften private life?” That he might not be summoned to the bar of posterity to answer those questions—that his name might be exempt from the reproach which they involve—that, in every vicissitude of public and private fortune, he might be enabled to cling to the consolation of having struggled in this contest with perseverance, and of having resigned it without dishonour, his last vote should be given, like his first, in opposition to this bill.

The House divided on the question that the bill be now read a third time:—Ayes, 855; Noes, 239; Majority, 116. The bill was read a third time, but not passed, as amendments were yet to be proposed.

FOREIGN POLICY.

MARCH 26, 1832.

Sir James Graham moved the reading of the Order of the Day for going into a Committee of Supply.

Lord Eliot rose for the purpose of making some observations on the foreign policy of ministers—he did so with the hope of eliciting the remarks of older and more experienced members, and would be satisfied if he succeeded in effecting that object. He then entered into a review of the foreign policy of the government, and concluded

by stating, that if he should succeed in obtaining any information from the noble lord (Palmerston), he should not regret having put himself forward in so important and difficult a question.

Viscount Palmerston having spoken in explanation,—

SIR ROBERT PEEL said, he would not have opened his lips on the present occasion, if he thought that his noble friend's (Lord Palmerston's) doctrine respecting discussions on the subjects of foreign policy was one which ought, upon any principle, either of expediency or custom, to be followed. The doctrine which his noble friend attempted to maintain amounted to this, that, at no time whatsoever, should there be a discussion on the foreign relations of the country, if there was a remote chance that the policy of the government might be contravened. That such discussions should be conducted with moderation and temper he was quite ready to acknowledge; but he could not admit, that the mere act of laying before parliament information as to the course which ministers were adopting in regard to foreign states, must necessarily interfere with the progress of their policy. His noble friend (Lord Palmerston) had expressed his regret at the manner in which the speech of the French minister in the Chamber of Deputies, taking a view of the situation in which foreign powers stood in regard to his country, had been discussed and debated upon; and had even gone so far as to express an opinion that the speeches of foreign ministers were not fit subjects of notice at all. On that point, he had only to say, that, generally speaking, he did not think that the Parliament of England ought to be very severe in their remarks on the speech of the ministers of a foreign country; at the same time he could not agree in thinking, that all allusion to, or discussion on such a speech was either inexpedient or impolitic. Indeed, in the present instance, the allusion to, and discussion upon, the speech of the French minister, had been attended with signal advantage, inasmuch as it gave to the noble Earl at the head of his Majesty's government, an opportunity of setting right some false impressions which prevailed in the minds of many persons as to the policy of the English government with regard to the expedition against Ancona. With respect to the policy which had been observed towards Belgium, he would, at the present moment, avoid offering any opinion, inasmuch as it was a question remaining open to future and more deliberate discussion. The aspects of affairs in that quarter of Europe were indeed gloomy and ominous, but still he could not avoid entertaining a hope that peace might be preserved, and that, too, consistently with the honour of all parties. The king of Holland, he felt convinced, when he deliberately weighed the risk that would attend a rupture of the peace of Europe at that moment, would not, by asking for any concession on the part of Belgium, incompatible with its essential interests or with justice, throw obstacles in the way of an accommodation of their differences. Holland, he hoped, would bear in mind the very peculiar state in which Belgium then stood, and meet any spirit of moderation, and any spirit of concession that the government of that country might manifest, by a similar spirit. And, if such was the case, there could be no doubt that a mutual understanding, compromising in no degree the character or interests of either country, might soon be brought about. On the other hand, he must express an earnest hope, that his noble friend (Lord Palmerston) would never, as a minister of the government of England, insist on any concession on the part of Holland that might be found incompatible with the integrity and independence of that country. He cared not whether that country was or was not of importance, either in relation to its size or its power; nay, he would say, that, as Holland was comparatively small, there was a greater and more binding obligation on the part of England to take care of her interests. It was said, that the only remaining subject for adjustment between the two parties was so trifling, being merely the right of passage on one particular canal, that it ought not to be allowed to stand in the way of an accommodation. From that position he totally and decidedly dissented. If the maintenance of the independence of either party was involved, even in the right of passage on a canal, he was distinctly of opinion neither would be justified in giving up the point, nor would any foreign power act correctly in interfering so as to compel either party to surrender it. It was not the extent of the difference, but the principle, which should be considered; and, if the principle of independence were involved, even on the most trivial point, it would be the height of injustice to interfere, in order to compel the surrender of that vital principle. Such

was his opinion on the subject, and he would conclude his remarks on that part of the question which referred to the policy of his Majesty's ministers in regard to Belgium, by offering to his noble friend his earnest advice, should he (Lord Palmerston) on consideration, think that the principle of independence had been involved in any respect during the course of his diplomacy, to retrace his steps, and ere it be too late, absolve England from the stain of exacting from a foreign power a concession, trivial though it might be in degree, which compromised its future independence. He next came to speak of the expedition to Ancona, and on that point he was sure that his noble friend took precisely the same view which every Englishman ought to take of it. By his official situation, his noble friend was obliged to maintain some reserve in public, but he must undoubtedly be occupied in appealing to the moderation, justice, and good sense of France, to retrace her steps. When he had before spoken on this subject, he had not seen the explanation of the French minister; but now that he had seen it, he could not avoid remarking that an act not only so unjust, but so ridiculous, he had never heard of. He felt confident that the good sense and the justice of the French ministry would without delay, not only withdraw that expedition, but, as far as possible, make atonement for that course of conduct, into which their impetuosity and neglect of calm consideration had driven them. France had by that one act placed herself in a state of embarrassment, which, but for the forbearance of independent powers, might have materially affected her future prospects and independence; and, having escaped from her danger, she ought, without delay, to retrieve the character she had lost, by her uncalled-for infringement of an unoffending territory. He, however, repeated, that he had that degree of confidence in the good sense of the government of France, which induced him to think that they would yield to the remonstrances of England, and withdraw an expedition, which was proved by the public declarations of French official agents to have been utterly unwarrantable. In a letter, addressed to the Pope, by M. St. Aulaire, the French ambassador, dated January 12, 1832, there would be found a recapitulation of certain pledges alleged to have been given by the Pope to his subjects respecting the reform of the institutions of the papal states. The words were these:—"The government of France has followed with a lively interest, the legislative labours which are referred to in the note received from the secretary of state this day. It has carefully noted the edicts of the 1st and 4th July, by which the holy see confides to laymen the administration of many of its principal provinces; of the edict of the 5th July, which provides for various ecclesiastical reforms; of various other edicts for the improvement of the administration of civil and criminal justice; of the edicts of 11th June and 21st November, which establish a perfectly new system of finance, by submitting an account of revenue and expenditure to control and publicity, and placing the interest of those who pay taxes, as well as that of those who are creditors of the state, under the inspection of men as worthy by their intelligence, as they are by their high functions." These reform bills, as they might be termed, amounted altogether to eleven, and it was the delay in the performance of those pledges which was alleged by the French government to have caused its interference. In the first place, he would beg to impress upon the English House of Commons, which had been for fourteen months engaged in the consideration of one Reform Bill, that it would be rather hard to compel the Pope, within nearly the same period, to enact no less than eleven measures of reform. There was, however, every reason for the belief that the pledges which the Pope had given were, at the time that the expedition was sent by France, in due course of performance. The French had no right whatever to allege the non-performance of these promises as the ground of their attack on the Papal territories. But, even supposing that such was the case, what authority, by the law of nations, had the French government for saying to the Pope—"We will compel the immediate performance of those pledges which you have given to your subjects?" Who had constituted the king of France the arbiter between the Pope and his subjects? The last point to which reference had been made, was one in respect to which his strongest feelings were interested, as the interests and honour of England were concerned. On numerous occasions the policy of his Majesty's government in regard to Portugal had been discussed, both in that and the other House of parliament; but he felt bound to say, that nothing which had taken place in either of those assemblies had

induced him to alter his opinion with regard to the course which his Majesty's ministers, since their accession to office, had pursued towards that country. The private character of Don Miguel might be bad; some of his acts, since his accession to the throne of Portugal, could not be defended; but he could not, on that account, disguise from himself the danger which would inevitably result from a departure from the customary policy of Great Britain towards a foreign power on account of the private character of its sovereign, or in deference to the particular interests of some competitor for his throne. He begged the House to consider the position in which this country was placed towards Portugal as an independent nation. He conceived they were bound to throw out of their view the private character and the conduct of the prince who occupied the throne of that nation, and to confine themselves to those peremptory obligations which the law of nations imposed upon all states. There were but two situations recognised by the law of nations in which powers could stand with relation to each other,—they might be at war, or they might be at peace. The law of nations recognised no other position in which states could stand towards each other. In whichever of these positions one power was to another—whether it were of war, or whether it were of peace—that power, as it had certain rights, so it had certain reciprocal and correlative duties; and with neither those rights nor those duties did the private character or private acts of persons administering the government in the slightest degree interfere; and, therefore, he saw nothing but danger likely to result from the policy of his Majesty's ministers towards Don Miguel and Portugal. Ministers had, throughout, been actuated by the consideration of private character, and of the mode in which that prince obtained his seat upon the throne, and not by the relation of the two states to each other. His Majesty's ministers had, in fact, attempted to establish a new right not sanctioned by the law of nations. Over and over again ministers had told the House, that, by the law of nations, England was bound to maintain the strictest neutrality.

Lord Palmerston begged pardon for interrupting the right hon. baronet. The declaration which ministers had ever made was, that it was their intention to preserve a strict neutrality.

Sir Robert Peel was under a strong impression that that neutrality had not been preserved. The question to be considered was, whether the course which was then pursued towards Portugal was in conformity with the professed intentions of government? His noble friend (Lord Palmerston) had asked, whether Portugal had any right to demand assistance from England for the purpose of repelling the intended attacks of Don Pedro? He certainly did not mean to contend that Portugal had any such right; but that was not the question. The question was, whether, in conformity with the strict neutrality she professed, and in conformity with the law of nations, England was justified in giving that aid to Don Pedro, which, it was impossible to deny, had been afforded to him? To that point alone would he apply himself. There was a remarkable case on record, in which the question arose whether a neutral power maintained its neutrality by suffering within its own territories the fitting out of vessels of war by one belligerent to be employed against another. During the period of the war between France and England, in the year 1793, the United States professed neutrality towards both parties. The French claimed the right of fitting out an expedition in a port of the United States against Great Britain. This right the Americans denied, through their secretary of state, who was afterwards president (Mr. Jefferson), who contended, that, as a neutral state, they were obliged, by the law of nations, independently of all treaties, to refuse to either belligerent the use of their ports for the equipment of vessels against the other. In a work entitled *Memoirs of Thomas Jefferson*, he found the correspondence which took place between that individual and M. Genet, the French minister at the United States, during the year 1793, from which, as it detailed exactly Mr. Jefferson's views on this branch of the law of nations, he would take the liberty of reading some extracts. M. Genet, having made his remonstrance on the part of the French government, was replied to by Mr. Jefferson in the following terms:—"You think, Sir, that this opinion is also contrary to the law of nature and the usage of nations. We are of opinion it is dictated by that law and that usage; and this had been very maturely enquired into before it was adopted as a principle of conduct. But we will not assume the exclusive right of saying what that law and usage is.

Let us appeal to enlightened and disinterested judges. . None is more so than Vattel. He says, L. 3. 8. 104—' Tant qu'un peuple neutre veut jouir surement de cet état, il doit montrer en toutes choses une exacte impartialité entre ceux qui se font la guerre. Car s'il favorise l'un au préjudice de l'autre, il ne pourra pas se plaindre, quand celui-ci le traitera comme adhérent et associé de son ennemi. Sa neutralité seroit une neutralité frauduleuse, dont personne ne veut être la dupe. Voyons donc en quoi consiste cette impartialité qu'un peuple neutre doit garder. Elle se rapporte uniquement à la guerre, et comprend deux choses—1. Ne point donner de secours quand on n'y est pas obligé; ne fournir librement ni troupes, ni armes, ni munitions, ni rien de ce qui sert directement à la guerre. Je dis ne point donner de secours, et non pas en donner également; car il seroit absurde qu'un état secourût en même tems deux ennemis. Et puis il seroit impossible de le faire avec égalité; les mêmes choses, le même nombre de troupes, la même quantité d'armes, de munitions, &c. fournies en des circonstances différentes ne forment plus des secours équivalents,' &c. If the neutral power may not, consistent with its neutrality, furnish men to either party, for their aid in war, as little can either enrol them in the neutral territory by the law of nations. Wolf, S. 1174, says—' Puisque le droit de lever des soldats est un droit de majesté qui ne peut être violé par une nation étrangère, il n'est pas permis de lever des soldats sur le territoire d'autrui, sans le consentement du maître du territoire.' And Vattel, before cited, L. 3. 8. 15. 'Le droit de lever des soldats appartenant uniquement à la nation, ou au souverain, personne ne peut en envoyer en pays étranger sans la permission du souverain. Ceux qui entreprennent d'engager des soldats en pays étranger sans la permission du souverain; et, en général, quiconque débauche les sujets d'autrui, viole un des droits les plus sacrés du prince et de la nation. C'est le crime qu'on appelle plagiat, ou vol d'homme. 'Il n'est aucun état policé qui ne le punisse très sévèrement,' &c. For I choose rather to refer you to the passage than follow it through all its developments. The testimony of these and other writers on the law and usage of nations, with your own just reflections on them, will satisfy you, that the United States, in prohibiting all the belligerent Powers from equipping, arming, and manning vessels of war in their ports, have exercised a right and a duty with justice and great moderation." Such was the opinion of Jefferson in 1793, who it was to be recollected, throughout his life, bore any thing but a friendly feeling to England. Such were the doctrines to which he referred for the vindication of the United States in preventing the equipment of the French fleet in their port. Mr. Jefferson, in his first reply to M. Genet, had relied mainly upon the insult offered to a sovereign power by the enlistment of its subjects, and the use of its ports, by a foreign belligerent; but in another letter, addressed by him to Governor Morris, on the same subject, he had argued the question in reference to its bearings upon the law of nations, and the duties imposed by that law on a state professing neutrality. In that letter he found the following passage:—"1. M. Genet asserts his right of arming in our ports and of enlisting our citizens, and that we have no right to restrain him or punish them. Examining this question under the law of nations, founded on the general sense and usage of mankind, we have produced proofs from the most enlightened and approved writers on the subject, that a neutral nation must, in all things relating to the war, observe an exact impartiality towards the parties; that favours to one to the prejudice of the other, would import a fraudulent neutrality, of which no nation would be the dupe; that no succour should be given to either, unless stipulated by treaty, in men, arms, or any thing else directly serving for war; that the right of raising troops being one of the rights of sovereignty, and consequently, appertaining exclusively to the nation itself, no foreign power or person can levy men within its territory without its consent, and he who does may be rightfully and severely punished; that if the United States have a right to refuse the permission to arm vessels and raise men within their ports and territories, they are bound by the laws of neutrality to exercise that right, and to prohibit such armaments and enlistments. To these principles of the law of nations, M. Genet answers by calling them ' diplomatic subtleties and aphorisms of Vattel and others.' But something more than this is necessary to disprove them; and, till they are disproved, we hold it certain that the law of nations and the rules of neutrality forbid our permitting either party to arm in our ports." Here, then, was a practical illustration of the manner in which England ought to

conduct itself towards Portugal, in conformity with the law of nations, and with the example of neutrality afforded by America, at a period when that power was under great obligations to France, and with a hostile feeling at least towards England. There was also another point of view in which it was necessary to consider the aid which had been afforded Don Pedro. Independently of the breach of the public law by enlisting of the troops, and fitting out of ships for his service, such enlistment was a breach of the municipal law in force in England. It was as important to consider the facts of the present case in respect to the enlistment for the expedition which recently left the British shores for Portugal. Was it possible that his noble friend could be ignorant of those facts? Was he aware that an able and distinguished officer in his Majesty's service, who was well acquainted with the Portuguese shores, commanded that expedition?

Lord Palmerston denied any knowledge of those facts.

Sir Robert Peel: Then he would give him that information; and he hoped that, if it reached his Majesty's government then for the first time, they would, without delay, take some means for disabusing the world, and manifesting that the proceedings in question were without their sanction or connivance. He could not have supposed that the government was ignorant that the commander of Don Pedro's squadron was a Captain Sartorius—a captain, as he (Sir Robert Peel) understood, in the British navy. This was the first piece of information which he had to offer. He had then to inform them, that the "Congress" was commanded by a British officer, a commander in the Royal Navy, who had, however, assumed a feigned name; that the "Asia" was commanded by a commander in the Royal Navy, also acting under an assumed name; that there were other officers in the Royal Navy serving in the expedition—that when the expedition was at Belleisle, the commissary-general was a purser in the Royal Navy. He begged, also, to tell his Majesty's ministers, that he had every reason to believe that not less than 3,000 British subjects were engaged in that expedition, who were to co-operate with French subjects, and about 2,000 Poles. He had also to inform this ignorant government, that he had seen a letter written by an officer in the British service, in which he stated, that he had himself enlisted for Don Pedro's service not less than 2,000 men. He had further to state, that four English vessels of war had been fitted out in British ports for the service of Don Pedro. Such was the information, the truth of which he believed was unquestionable, and could any man say that it was not important? Did not the statements he had just read induce the supposition that it was a conjoint French and English expedition? Here were 3,000 English to co-operate with French and Polish troops. The government denied their participation in these proceedings, but did they support that verbal denial by their acts? There was an act to prevent foreign enlistment. Had government called for the enforcement of that act? By it the King of England was vested with extensive powers. Had those powers been put in force? He maintained, that if British officers engaged themselves in a service, the avowed object of which was to invade a country at peace and in alliance with England, a proclamation ought to have been issued by his Majesty, recalling all his own subjects from such expedition. Of one thing he felt confident: sooner or later England would find that her injustice towards Portugal would meet with its due reward. What was the doctrine laid down by the law of nations, independently of municipal law, respecting the power of the sovereign to prevent foreign enlistment within his own territories? Was it not, in all books on the law of nations, declared, that the sovereign power was armed with the right of preventing its subjects from engaging in the service of a foreign power? Vattel, before alluded to, speaking on that point, said—"The right of levying soldiers belongs solely to the nation, or to the sovereign: no person can exercise it in a foreign country without the permission of the sovereign. Those who undertake to enlist soldiers in a foreign country without the permission of the sovereign; and, in general, whoever seduces the subjects of others, violates one of the most sacred rights of the prince and of the nation." The same doctrine was laid down in 1819, by the present Judge Advocate (Mr. Robert Grant), in the debate on the Foreign Enlistment Bill, in one of the most luminous and eloquent speeches he had ever delivered. That hon. gentleman observed, "Nations announced their intentions to each other through the medium of their rulers. Hence every state knew where to look for expression of the will of foreign nations. All this system was at an end if, while we were pro-

fessedly at peace with a country, she was to be attacked by a large body of military adventurers from our own shores—a sort of extra-national body—utterly irresponsible—for whose acts no redress could be demanded of the British government—who might burn, pillage, and destroy, and then leave us to say, ‘We have performed our engagements; we have honourably maintained our neutral character.’ Not a single authority, nor the shadow of it could be found in opposition to this plain, clear, irrefutable position—that when a neutral nation knowingly permitted the levying of troops in its territory by one of two belligerents to go so far as materially to sway the fortunes of the war, there such nation was virtually departing from its neutral character, and assuming that of an enemy, and this in the worst manner, because not directly.” That also was the doctrine which he now maintained; Portugal might have given us twenty causes of war; but if it were thought right not to go to war, we waived the rights which war would give, and had no option but to preserve the neutrality we professed. Mr. Robert Grant proceeded to say, “The question was, whether the known and uniform practice of Europe had ever established, or even sanctioned, this principle—that a state, having pledged its neutrality to one of two powers engaged in war, might afterwards permit the opposite belligerent to draw troops from its population to any conceivable extent for the purpose of deciding that very war, without affording the slightest ground of just complaint to the power to whom its neutrality was pledged? Nothing of the kind could be pretended even for a moment.” In all these positions he cordially concurred. Was it, he begged to ask, expedient to habituate the subjects of England to offer their services to foreign states? Was it right to permit a foreign state to avail itself of the courage, intrepidity, and well-known skill of British officers, in the very teeth of the laws of nations, and of the statute law of this country? That law might be bad; if so, let it be openly repealed, but not openly violated by foreigners while it remained in force. It was impossible that the government could be ignorant of the breach of the law; for, if they had perused the contents of the affidavits sworn before the Lord Mayor, they must have become acquainted with it. Was the course pursued by government in reference to this enlistment recommended by the example of other states? Certainly not. Was it recommended by the policy of Mr. Canning? Undoubtedly not. What was the language which he held to the Spanish refugees when he was in office? He told them, that as they had been obliged to fly from persecution in their own country, here they might find a refuge, and although there was an Alien Act in force, it should not be called into operation against them; but, at the same time, he explicitly stated, that they should not be permitted to use the ports of England for the furtherance of hostile projects against a power with which England was at peace. He had even gone further; for hearing, by accident, that a certain Spanish refugee officer was meditating an attack on St. Domingo, he sent for him, and cautioned him against his proceeding, threatening, if it were not stopped, to put in force the Alien Act. And such was Mr. Canning’s conviction that, as a neutral state, England was bound effectually to discourage such projects, that he felt it his duty to communicate to the government of Spain the information he had received, in order that she might be upon her guard, and take precautions against the meditated attack. He maintained, that if there ever was a period when the law of nations ought to be scrupulously respected, the present was that period; if ever there was a time when they ought to guard against the unsettlement of the Peninsula, it was the present. He did not mean to say, that it was in the power of England to interdict Don Pedro from urging his claims upon the throne of Portugal. Had Don Pedro, being in possession of Terceira, sent his expedition from that place, England would have had nothing whatever to do with it. But he would maintain, that Don Pedro had no right to come to England, and, having enticed British officers from his Majesty’s service, and availed himself of British ports, from thence proceed against Portugal. What answer could they make to Spain after they had connived at an expedition of that description, if she should enter Portugal, and plead their infraction of neutrality in the first instance as the defence of hers? His noble friend opposite talked of their right of preventing Spain from entering Portugal. But how much better should they be enabled to assert that right if they had themselves kept the high position of strict *bond fide* neutrality? His noble friend had justified the course which his Majesty’s government had adopted towards Don Miguel on the ground of his conduct and character. His noble friend

maintained that they had a right to act as they had acted towards Don Miguel, because he had broken his pledged word to his country. But was the faith of Don Pedro inviolate? Had he kept his pledged word? British vessels and British property had been seized by Don Miguel, but had British subjects no grievances of a like description to urge against Don Pedro? Was his noble friend unaware of what had taken place during the war between Buenos Ayres and Brazil; and of the still unsatisfied claims of British merchants, for the confiscations which at that time had been made by the government of Don Pedro? It was said, that acts of cruelty had been committed by Don Miguel in Portugal, and on Portuguese subjects. It was for the people of Portugal themselves to redress such injuries, if injuries had been sustained. If ever the tyrannical acts of Don Miguel should exceed endurance, then his subjects, for aught he knew to the contrary, would have a right to refer to first principles, and to resist his authority; but this government had no right to constitute themselves judges in the matter, and undertake the redress of domestic grievances sustained by the subjects of another power. These were frivolous pretences on which the government tried to find an excuse for the breach of neutrality it was committing. If it determined not to maintain neutrality, it should have the manliness and courage to avow it—to declare war, and take the risk of war. But against its present course he earnestly and decidedly protested. It was at variance with the law of nations—it was forbidden by our own municipal law—it was an undignified, as well as an illegal course—contrary to that policy which should make us the last power in Europe to encourage civil contests and revolutions of government in the Peninsula.

A desultory conversation then ensued. Lord Palmerston, in reply to some observations by Mr. Baring, begged to be allowed to remark, that what the hon. member called a canal was a salt-water channel, and was one of the branches by which the waters of the Rhine were discharged into the sea.

Sir Robert Peel said, his noble friend had raised a new question, but into that he would not enter at present. He rose chiefly to say, that he was surprised to hear his noble friend taunt him for not giving the names of officers who had taken part in the expedition. He had given the name of Captain Sartorius, whose case was notorious. He did not name others, from a wish not to prejudice them, but had merely said, in a general way, that the ministers ought to withdraw all officers from the contest. In his opinion it was not right that British officers should be employed against each other, or against those Portuguese with whom they had fought the battle of liberty. The noble lord had alluded to the conduct of the Spanish government in respect of the encouragement given to Portuguese refugees. The complaint against Spain was, that she had suffered those persons to assemble on her frontier, which gave them an opportunity to attack Portugal. In that instance, neutrality was insisted upon. He felt himself compelled, under a sense of justice, to say, if this government had not the power to prevent the fitting out of vessels forming an expedition to sail from our ports for Portugal, it would be hard to say Spain must be wrong in taking part with those who were disposed to assist Don Miguel. The question was, whether four ships of war forming an expedition against Don Miguel should be allowed to sail with troops from a British port against a friendly power? He never could consider such a licence right, and every one of the arguments urged in support of that transaction had, in his opinion, entirely failed.

In reply to Colonel Evans,—

Sir Robert Peel was ready to admit, that if there were any British military officers in Portugal receiving pay in the service of Don Miguel they ought to be named, as well as British naval officers in the service of Don Pedro. He had heard only of Major-General Sir John Campbell, and that officer had given up his rank in the British army. The officers of both services should be treated alike.

The House then resolved itself into a committee of supply.

ABOLITION OF CAPITAL PUNISHMENTS.

MARCH 27, 1832.

Mr. Ewart rose to move for leave to bring in a Bill abolishing capital punishment in the cases of horse-stealing, sheep-stealing, and cattle-stealing; also, in cases of stealing in a dwelling-house, no person being put in fear therein.

Mr. Strickland briefly seconded the motion.

SIR ROBERT PEELE thought, before the House came to any decision upon the subject of the hon. member's bill, the legislature ought to take a wider and more extended view of the whole question of punishment for all offences. He thought there were matters connected with the bill proposed to be brought forward by the hon. member, which were deserving of the gravest consideration, and it would be much better deferred until the whole question respecting secondary punishment was reviewed, to the end that it might be in some degree altered. With respect to the stealing in a dwelling-house, that crime sometimes presented itself, as the hon. under secretary (Mr. Lamb) had well observed, under the most aggravated circumstances. Those robberies were sometimes not only committed by the servants, but by means of a collusion between the servant and a gang of thieves. The hon. gentleman said, "No person being put in fear therein." But, supposing a butler had the care of his master's place, and he admitted a gang of robbers into the house—they might come armed—they might steal £4,000 or £5,000 worth of plate—and it might be owing to the mere accident of the family not being disturbed that no violence was committed. And did the hon. gentleman think that the law ought to save from capital punishment the servant who thus put the property and the very life of his master in jeopardy? The House, however, appeared very little disposed at present to pay attention to the subject, and he should therefore defer his other observations to a future stage of the bill. He must however repeat, that before the House took this step, they were bound to take a review of the state of secondary punishments in this country. They must also consider that, as civilisation increased, the facility for the commission of crime increased more rapidly than the facility for the prevention of it. All these things, therefore, ought to be taken into account before any extensive alteration in capital punishments was made; though he did not at all mean to say, that the time was not come for such an alteration to take place; he did not mean to say, that such an alteration ought not to take place at this time, but the greatest caution was necessary at every step, in order not to excite the prejudices of society against the alteration, by too rashly weakening the present protection of property.

In reply to Dr. Lushington,—

Sir Robert Peel said, he did not mention the case of a servant robbing his master as deserving of death on account of the moral guilt of the offence, but on account of the peculiar facilities and temptations that were thrown in a servant's way.

Leave was given to bring in the bill.

EXCHEQUER COURT (SCOTLAND).

APRIL 10, 1832.

The House having resolved itself into a committee on the Scotch Courts Compensation Bill,—

The Lord Advocate proposed, "That the sum of £2000 per annum be granted to the Lord Chief Baron on his resignation of office; £1500 to such of the two other Barons as should first retire; and £600 to the Judge of the Court of Session, who should execute the duties of the Court of Exchequer after their retirement."

In reply to Mr. Cutlar Fergusson,—

SIR ROBERT PEELE had no hesitation in saying that, had he remained in office, pursuant to the pledge given by the late government, he should have felt it his duty to bring before the House of Commons a proposition for the increase of the salaries of the Scotch Judges. Indeed, a proposition to that effect had been made, but was withdrawn in consequence of the opposition it met with from several hon. members,

and the late government had not an opportunity of again bringing it forward before their removal from office. He certainly did think that £2,000 a-year was not sufficient for the becoming maintenance of the judicial dignity in Scotland. The public were interested in the proper maintenance of these dignities, and that the proper forms of ceremony should be sustained, not to gratify personal vanity but to raise a proper respect for the high station. Whenever the proposition might be brought forward, it should have his warmest support. It was manifest that there was nothing like justice in granting a retiring Chief Baron, who had had nothing to do, £2,000 per annum, and that £2,000 was to be considered sufficient remuneration for a judge actively discharging the high duties of his office.

The resolution was agreed to.

ANATOMY BILL.

APRIL 13, 1832.

Mr. Warburton moved that the Bill for regulating schools of Anatomy be re-committed.

On the clause being read which empowers any person having the legal custody of a dead body to dispose of it for dissection,—

Mr. Briscoe thought this so important a clause, that he should move that the chairman should report progress, and ask leave to sit again.

Mr. Wason seconded the motion.

SIR ROBERT PEEL thought the clause now before the House involved the whole principle of the bill. He begged to ask the House, what had been the consequence of the sanction of the law for the sale of subjects having been so long withheld? It was manifest and notorious that sales took place, and the supply was kept up by continued robberies, committed by persons of the most desperate and degraded characters. To add to the supply, it had been clearly proved, beyond the possibility of a doubt, that systematic murders had been perpetrated; and though in Scotland and in this metropolis only three criminals had suffered the extreme penalty of the law, it was impossible to say how many murders had been committed for the sake of disposing of the bodies. He was informed, some years ago, by two highly respectable medical practitioners, that, when they paid twelve guineas for a subject, they did so with remorse, feeling that so large a sum was but an incentive to the commission of the most atrocious crime. Now, as the penalties for dissecting were annihilated, the only means of remedying the dreadful evils at present existing was by legalizing the supply. The bill afforded all classes an opportunity of protesting against their bodies being subjected to anatomical examination, by leaving a writing to that effect. He dissented entirely from the proposition of the hon. member for Oxford, that the supply should be made, not from the hospitals, not from the jails, but from the poor-houses. He contended it was not fair to cast such an odium on the poor, and to subject them to a law from the provisions of which the rich were relieved, and he thought the law should be made to operate generally on all classes. This, he considered, was effected by the clause at present before the House, and he should, therefore, support it.

After some discussion, Mr. Warburton consented to an adjournment, The House resumed; the committee to sit again.

SUPPLY—MISCELLANEOUS ESTIMATES.

APRIL 13, 1832.

Lord Althorp moved the Order of the day for the House to go into a Committee of supply.

SIR ROBERT PEEL begged to ask the noble lord at the head of foreign affairs, whether any information had been received of the blockade of the Island of Madeira by a British admiral?

Lord Palmerston replied in the negative.

The House having gone into Committee, a vote of £7,875, for alterations in the palace at Brighton was proposed.

Mr. Ridley Colborne thought this a fair opportunity for proposing that a house in Pall-Mall, the property of his Majesty, called Dyaart House, should be given up for the purposes of a National Gallery.

Sir Robert Peel did not rise to second the proposition of the right hon. member, but to make another one, of, perhaps, a more liberal nature. He wished that a definite sum should be especially appropriated to raise a new and suitable building for the National Gallery. This was truly a national consideration. The noble collection of pictures which it contained was visited, not only by the inhabitants of the metropolis, but by persons from the most distant corners of the empire, to whom it was a source of the highest gratification. The number of such visitants was upwards of 100,000 in the year, and their convenience deserved the attention of the House. Independently of this consideration, the collection was in itself so fine and so valuable as to deserve an exhibition-room of the choicest construction. It had cost, at least, £150,000, of which Mr. Holwell Carr's munificent gift alone was valued at £25,000. But motives of public gratification were not the only ones which appealed to the House on this matter; the interest of our manufactures was also involved in every encouragement being held out to the fine arts in this country. It was well known that our manufacturers were, in all matters connected with machinery, superior to all their foreign competitors; but, in the pictorial designs, which were so important in recommending the productions of industry to the taste of the consumer, they were, unfortunately, not equally successful; and hence they had found themselves unequal to cope with their rivals. This deserved the serious consideration of the House in its patronage of the fine arts. For his part, although fully aware of the importance of economy, and most anxious to observe it, he thought this was an occasion for liberality, and that the House would do well to grant freely a sum of £30,000 for the construction of a suitable edifice for the reception of our noble national collection of pictures. He thought the country would be amply repaid if it devoted a sum of £30,000 for the purpose of erecting a suitable gallery for the reception of the valuable collection of national paintings.

Lord Althorp agreed with the right hon. baronet, that it was right and fit that a place should be provided for the reception of the pictures, which would be convenient to the public, but he was not prepared to go to any architectural expense for that purpose.

Sir Robert Peel repeated, that he thought it of importance that immediate measures should be taken for providing a gallery; he did not wish to erect an expensive building, the architectural magnificence of which would be attended with great expense, but merely a plain and suitable gallery, with a proper light to view the paintings with advantage.

After a short discussion the vote was agreed to.

A sum of £56,000 was proposed for printing the bills and reports of both Houses of Parliament.

Mr. Hume protested against this monopoly; he conceived that one penny, instead of one shilling and ninepence, ought to be a sufficient charge for each copy of an Act of Parliament.

Mr. Hunt maintained, that the laws should be circulated as cheaply as possible, and that every person should have a knowledge of the laws under which he lived, and a voice in making them, through his representatives.

Mr. Spring Rice, in explanation, said, that it was absolutely necessary that there should be authorized copies of the laws published.

Sir Robert Peel agreed with the right hon. gentleman opposite, that there should be authorized copies, and he suggested that the king's printer should publish cheap copies of the Acts. With reference to what the hon. gentleman near him (Mr. Hunt) had said, he would ask the hon. gentleman what he would do with those who were under age, and were, therefore, not entitled to vote for representatives? At the Old Bailey, for instance, the great majority of the prisoners tried were mere youths; and the hon. member for Preston had next to take the women into account; and, therefore, extensive as his views of reform were, he must see, that according to the rule which he had laid down, of allowing no prisoners to be tried under laws

which they had not had a voice in making, that he would have something still to provide for.

Mr. Hunt said, that the right hon. baronet had objected to the doctrine of the Judges of the land, and not his; for the Judges told the prisoners that they were tried under the laws made by their representatives. With regard to the infants and the women, the former had parents to instruct them, and the latter had their husbands for their protection.

Sir Robert Peel said, the hon. member's infants at the Old Bailey were of a very dangerous class; and as to the women having husbands, "I (said the right hon. baronet) spoke of unmarried women."

Mr. Hunt replied, that he argued upon the principle that every child in these kingdoms had a father and mother.

Vote agreed to.

CAPTURES BY THE BRAZILIANS.

APRIL 16, 1832.

Mr. Dixon having introduced this subject to the notice of the House, concluded by moving for copies of all correspondence that had taken place in relation thereto.

Mr. Alderman Thompson seconded the motion.

In reply to Viscount Palmerston,—

SIR ROBERT PEEL said, that his noble friend (Lord Palmerston) had observed, with some semblance of justice, that, in disputes between a strong and a weaker nation, forbearance ought to be shown towards the latter. That did not, however, appear to be the principle which the House was willing to recognise in the case of Portugal; for there appeared to be on the part of the majority which upon a late occasion had refused papers explanatory of our relations with Portugal, a disposition to censure Lord Aberdeen, because he had allowed thirty or forty days to elapse before he proceeded to exact justice by force for wrongs alleged to have been done to British subjects. Admitting, however, this principle of forbearance to be just, as it was generous, he thought the time had long expired during which forbearance could with either prudence or justice be extended towards the Brazils. If the true history of the transactions in which British property had not merely been mistakenly seized and confiscated, but in his conscience he believed designedly plundered, were laid before the House of Commons, they would not hesitate to declare, that the period had arrived when the government ought no longer to delay exacting reparation for the injuries and insolence which had so long remained unredressed. He must say, that those injuries had been much underrated by the two hon. members who had brought forward and supported the motion. The true history was this:—There was a war between the governments of Brazil and of Buenos Ayres, and a blockade of the ports of Buenos Ayres was proclaimed. It was, however, but a paper blockade, there being obviously no adequate power to enforce it. Under these circumstances, the principle laid down by the government of Brazil was this, that no vessel should be held responsible for breach of the blockade to which previous notice of the blockade had not been regularly given. In utter disregard of this principle, established by Brazil itself, and without an adequate force to maintain a real blockade, several British vessels were seized upon by Brazilian cruisers, and confiscated, to the value, he believed, of £500,000. An attempt had been actually made, on the part of the Brazilian government, to draw a distinction between the French and Americans, and the English, and to act upon the absurd doctrine, that the British had no right to that warning which it was admitted was due to the vessels of those other powers. Seizures took place in 1826 and 1827, founded on this unjust and ridiculous distinction, before his noble friend, the Duke of Wellington, came into office. Shortly after that event, his noble friend, Lord Aberdeen, wrote to the British minister at Rio, stating, that the injuries thus sustained by England were so monstrous, their injustice so glaring, the partiality attempted to be shown to the governments of other countries so indefensible, that unless the government of the Brazils promised immediate reparation for the injustice which had been done in the cases of four particular

vessels (which were named), the British admiral on that station would, within the lapse of thirty days, proceed to immediate reprisals. The names of these four vessels were, the *John*, the *George*, the *Henry and Isabella*, and the *Coquette*. These vessels were seized against all law and all justice, and law and justice were prostituted by their condemnation by the Vice-admiralty courts of Rio. The British minister thought the reparation so incomplete, that that minister, Lord Ponsonby, a nobleman who enjoyed the full confidence of the present government, did not confine his claim for compensation to these four particular vessels; but threatened reprisals, unless the whole sum of £474,000 was immediately paid down by the government of the Brazils. The hon. member who brought forward the present motion blamed the government for its conduct in the case of the vessel called the *Nestor*, which had been seized by British ships from the Brazilians, but was afterwards restored. If a person were not acquainted with the facts, it was very natural for him to think that the British government was wrong in directing that vessel to be restored, until the compensation claimed on account of losses sustained by other British subjects was paid. But if the *Nestor* was seized by a British cruiser contrary to the law of nations, the British government, in his opinion, acted justly in directing restitution to be made. The case had been submitted to the King's Advocate, and his opinion was, that it was not competent for the British squadron, consistently with the law of nations, to take forcible possession of the *Nestor* while she was under the jurisdiction of a Vice-admiralty court. The British governor in effect said—whatever injury our merchants have sustained, we will not obtain redress by unauthorized and illegal means—we will not consent to be unjust ourselves, as a set-off against previous injustice. If the King's Advocate was right in his law, of which he (Sir Robert Peel) entertained no doubt, our claims for redress were fortified, by setting an example of strict obedience to the laws of nations. The hon. alderman who had seconded the motion seemed to imagine, that the French and Americans had demanded immediate reparation, while this country had postponed the enforcement of her claims until after an enquiry had been made by a mixed commission—but the fact was, that the course taken by the three governments was precisely the same. If the new government established in the Brazils had been ignorant of the principles of the law of nations, if these injuries had been inflicted through inadvertence, the *novitas regni*, the newness of their authority, might have been pleaded as some excuse; but that was not the case. From what he knew of the transaction, he must say, that it was any thing but creditable to the emperor. There was ground for grave suspicion that these vessels were wilfully seized, against the advice of the emperor's ministers, by the Brazilian admiral, who happened to have more influence with the emperor than they had. With regard to the *Hellespont*, a vessel seized and detained for adjudication, it was plundered before the period of adjudication had arrived, to such an extent that it was no longer possible to restore it to its owner, possessing the same value. His noble friend had told them that at length there was some prospect of a settlement. He was happy to hear that they were at least to derive some advantage from the recent revolution in the government of Brazil, and that the existing government had a greater disposition to afford redress than the government of him under whom these atrocities against British property had been committed. And this Don Pedro, under whose sanction, and by whose contrivance it was gravely suspected these enormities had been perpetrated, this was the man whom his Majesty's government had permitted to trample upon the municipal laws of England—to recruit British soldiers upon the British territory—who was even now, as it was ostentatiously reported, at the head of a British battalion at Terceira, and under whose banners an officer holding the king's commission was allowed to lead on a British force against Portugal. He should like to know what injustice Portugal had been guilty of, what injuries she had inflicted on us, which could be compared with those he had described? What insults had we experienced from Don Miguel equal to those offered to British subjects, and through them to the British nation, by Don Pedro? What insatiation was it that led his Majesty's ministers to lend their countenance to that individual in his project upon Portugal? If the people of Portugal decided in favour of the claims of Don Miguel to the Crown, nay, if they acquiesced in his rule, preferring it to that of Don Pedro or Donna Maria, he could not see upon what principles, consistently with the independence and integrity of nations, this country or its ministers

could lend their names to the contest. He did not stand there to defend Don Miguel; but his belief was, that Portugal preferred Don Miguel to Don Pedro, and in that case he could not but entertain a deep sense of the injury done to Portugal by the conduct of his Majesty's ministers. If Miguel was the choice of the Portuguese nation, what better claim, he wished to know, had Louis Philippe to the throne of France than Miguel to the throne of Portugal? Was it that the people in the latter country showed symptoms of dissatisfaction in occasional commotions? Was not that the case in France also? And upon what pretence, then, did the government allow British officers to join the hostile expedition of Don Pedro? Why not issue an order of recall for all British officers engaged in such an enterprise? The truth was, that this expedition was an attack upon the independence of Portugal on the part of France and England, for it never could have been prepared without their countenance and assistance. It might succeed through the agency of British valour, and in consequence of the permitted violation of our municipal laws; but by what policy the British government was actuated in allowing British officers to enlist under the banners of either party he could not understand. To complete the folly of our conduct, this enterprise, by which civil war was to be introduced into the Peninsula, was fitted out by the money due in the form of dividends to the British creditors of the Brazilian state. He knew that his Majesty's ministers would answer that it was not in their power to interfere. But he denied the validity of that excuse. Suppose that Charles X., or a party attached to Charles X., had hired armed ships and levied men for an expedition against France, did his Majesty's ministers mean to say, that they would not have exercised their power to prevent such proceedings? If neutrality was a duty in the one case, it was in the other; and it was no answer to allege, that France was a powerful country and that Portugal was not. It was not Portugal alone, he feared, that was concerned in this question. The peace of Spain was endangered. He must say, that, of all foreign countries, he had seen none more disposed of late years to draw closely the bonds of amity with this country than Spain. He believed that she was well aware that her true interests would be promoted by a strict union upon honourable terms with this country. For the last seven years she had shown a disposition to listen to the reasonable proposals of this country; and if the late government had continued in office, he had little doubt that, by this time, she would have consented to recognise the independence of the South American states. In her pecuniary dealings with this country Spain had been conspicuously honourable. She had paid money, the hope of the payment of which Mr. Cannalng had treated as little better than a dream of insanity. And yet we were to be the parties by whose agency Spain was to be convulsed by the renewal of civil dissensions. We were about to endanger her internal peace, by lending our sanction to a foreign expedition, in contradiction to our professions of neutrality and our boast of non-intervention.

After some discussion, Colonel Evans said, he should like to know whether the right hon. baronet, the member for Tamworth, meant that government ought to send out an expedition to prevent the expedition of Don Pedro from attacking Portugal?

Sir Robert Peel said, he did not state to the House any thing which he thought the House would not have clearly understood. He had not spoken upon vague newspaper reports: he had seen the names of British officers affixed to proclamations issued under the authority of Don Pedro, and, as such conduct was in direct violation of the statute, he thought the government ought at once to interfere, and to remove all such officers.

Later in the evening,—

Sir Robert Peel said he was satisfied, from the statement, that the production of the papers would be injurious to the claims of the parties, and he thought the noble lord ought not to be called upon to state at what period the payments were to commence. After the declarations of the two noble lords connected with the government, it would be well to leave the matter in their hands, and he suggested to the hon. member that the best course he could pursue would be, to withdraw the motion.

The motion was withdrawn.

EDUCATION (IRELAND)—PETITIONS.

APRIL 18, 1832.

Lord Castlereagh presented a petition from Bangor, in the County of Down, against the new system of Education in Ireland.

Mr. James E. Gordon complained of the serious inconvenience to which members were subjected on the presentation of petitions; it amounted, in fact, to the repression of public feeling on subjects of the greatest importance.

SIR ROBERT PEELE said, that the inconvenience complained of was very generally felt, and observed that the custom of presenting petitions ought to be taken into consideration, with a view to the adoption of some plan by which the public business might be facilitated. He must also notice the fact, of a House not having formed yesterday. If that were done designedly by the government, he thought, in the present pressure of business, that it was much to blame.

Lord Althorp said, it was his anxious desire that the House should have met yesterday, and he had himself suffered inconvenience from the circumstance, having had a motion to bring forward on the subject of the Bank Charter. He agreed that some arrangement should take place with regard to the presentation of petitions, and expressed his willingness to assist in any arrangement which would tend to facilitate the presentation of petitions, in order to expedite the general business.

Sir Robert Peel suggested that the subject of the presentation of petitions should be referred to a committee, upon whose report the House might act. The consequence of the present system was, that petitions tending to inflame the passions of the people, took precedence of those of a grave, important, and domestic description. He gave notice, that after the recess he would move for the appointment of a committee on the subject.

The petition was ordered to lie on the Table.

BREACH OF PRIVILEGE.

MAY 7, 1832.

On the motion of Lord Stormont the House voted a letter written by Messrs. Wright and Kidson, solicitors for the Sunderland Dock bill, containing a list of the majority and minority of the Committee of the House of Commons who had sat upon that bill, to be a breach of privilege.

Lord Stormont then moved that the solicitors to the bill be called to the bar.

SIR ROBERT PEELE hoped that Mr. Kidson and Mr. Wright would be discharged without punishment; but he thought they should receive, through the organ of the House, such a reprimand as their great offence merited; and they should be told that, had it not been for their personal explanations, the House would have punished them severely. Their offence was a great one. To charge a Committee of that House with being influenced by corrupt motives in the discharge of their official duties was a very serious offence. It had been said, that the letter which was written, and which constituted the offence, was written confidentially, and which stated that the bill had been defeated through a corrupt family connection. That letter was written for the purpose of being shown to more than 100 persons, who were interested in the bill; therefore, he thought that circumstances deprived it of its confidential character. Moreover, it was written with the intention of publication, and such being the case, he was of opinion that a very great offence had been committed; yet, after the explanations which had been given, and the apologies which had been made, he hoped that the House would agree with him in thinking a reprimand would be deemed a sufficient punishment.

In reply to Mr. O'Connell,—

Sir Robert Peel said, that he had made a technical mistake. He had just understood, that before a reprimand could be given by the organ of the House, it was necessary that the parties should be in the custody of the Sergeant-at-Arms, and, therefore, he would move that the word "admonition" be substituted for "reprimand."

They were then called to the bar, admonished by the Speaker, and discharged.

COURTS OF REQUEST.

MAY 8, 1832.

Mr. Hunt moved for certain papers relating to the Courts of Request held in and for London, Westminster, and Southwark, and for Middlesex and Surrey. His object in moving for them was, to show how the power of arrest for debt was abused in this country, and how much injustice was committed on the poor man by means of these Courts.

SIR ROBERT PEEL was much inclined to believe, that great abuses did exist in these courts; but the fact was, on the occasion alluded to by the hon. member, as it was generally found with regard to questions relating to the reform of abuses, that the further he advanced, the more extended his horizon became, and the greater appeared the necessity for an extensive reform. The subject of imprisonment for debt on *mesne process* was then before the House; but it was said, that it would be in vain to abolish that while the power of imprisoning in execution for small debts continued to exist, since a litigious creditor could easily avail himself of the latter mode to punish and oppress his debtor. He thought, that the whole question of imprisonment for debt ought to be taken into consideration at the same time. That portion of it which related to imprisonment for debt on *mesne process* had been referred to the Law Commissioners, who, he believed, had but recently made their report.

Lord Althorp agreed with the right hon. baronet, that the whole subject had better be discussed at one time, and, in his opinion, there ought to be, as early as convenient, some enquiry instituted into the matter, as the power of imprisonment for small debts was liable to many great objections.

The motion was agreed to.

RESIGNATION OF MINISTERS.

MAY 9, 1832.

Lord Althorp stated, that in consequence of what had occurred in another place on Monday last, it appeared to his Majesty's ministers that it would be impossible to carry the Reform Bill without such alterations as would render it inefficient, and inconsistent with the pledges they had given for carrying it forward; under these circumstances there remained for them only this alternative—to tender their resignation to his Majesty, or to advise his Majesty to take such measures as would enable them to carry the Reform Bill efficiently; and, in case that advice should not be taken, then to tender their resignations. The latter course was adopted; they had tendered advice such as he had mentioned; which, not being received, they had consequently tendered their resignations, and his Majesty was graciously pleased to accept them. At present, therefore, they only held office until their successors were appointed. The best mode, he thought, in which he could proceed, was, to move that the Order of the Day for the second reading of the Scotch Reform Bill be read, for the purpose of postponing it.

Lord Ebrington, after expressing the deep regret he felt at the announcement which had been made, gave notice that, to-morrow, he would move an Address to his Majesty on the present state of public affairs. He hoped every one who had a seat in that House would feel it his duty to attend; and, in order to that end, he would follow up his first notice with another, viz., that he would move that the House be called over.

After some remarks by Mr. Baring and Colonel Davies,—

SIR ROBERT PEEL did not rise to in any wise anticipate the discussion of to-morrow, but merely to express his concurrence with Mr. Baring and Colonel Davies, that it was not only essential to that discussion, but conformable with the uniform usages of the House, that it should be put in full information of the distinct causes which had led to the resignation of Earl Grey's government. He would not then press Lord Althorp to state what those causes were—the less so, as he was confident

the noble lord would himself, on reflection, see, that in affording the information, he would only be pursuing the usual course of his predecessors under similar circumstances—but would merely suggest to him the propriety of applying to his Majesty for permission to explain in detail the proceedings and their causes which had led to his resignation. This permission it was necessary he should obtain, as otherwise his explanation would be a violation of what was due to his sovereign, there being evidently no acts more truly personal with respect to the sovereign than those of the appointment or acceptance of the resignation of his ministers. He hoped, therefore, the noble lord would see the expediency of his explaining to parliament and the public the real causes of his resignation.

In reply to Lord Milton,—

Sir Robert Peel did not mean to say, that the individual accepting office was not responsible to parliament for his official conduct; but merely that the original act of either appointing or dismissing a minister was a personal act of the sovereign, which could not be discussed in detail without his permission.

The Order of the Day was then read, and the measure postponed accordingly. It was also ordered, on the motion of Lord Ebrington, that the House be called over on the next day.

PRESENTATION OF PETITIONS.

MAY 10, 1832.

SIR ROBERT PEELE moved, in pursuance of the notice which he had given previous to the recess, for the appointment of a committee to frame some regulations to facilitate the presentation of public petitions. He said, that he should suggest that something like the appointment of a standing committee should be resolved on, before whom any member should be at liberty to lay whatever petitions he might be intrusted with; and that this committee should classify such petitions, setting forth their general prayer, and stating the number of signatures attached to each. He would not, however, propose to take away the right, which every member at present possessed, of presenting petitions to the whole House, and expressing his opinions on the subject; but he thought it would be advisable to limit each member to one speech.

Lord Althorp thought some regulation on this subject was necessary, and anticipated that the right hon. baronet's proposition would be beneficial.

RESIGNATION OF MINISTERS.

MAY 10, 1832.

Lord Ebrington, pursuant to notice, moved the Address to his Majesty, of which he had given notice the previous evening.

Mr. Strutt having seconded the motion,—

Mr. Baring trusted, that until some one of the gentlemen opposite should have given an explanation of the causes which led them to retire from office, the House would directly negative any such motion as the present.

After an explanatory speech from Lord Althorp,—

SIR ROBERT PEELE spoke to the following effect:—Sir, the noble lord has imposed a duty on me of stating to the House why I dissent from the resolutions. After the discussion in which the House has been engaged for the last eighteen months, it would be absurd in me not to suppose that my opinion respecting these resolutions differs from the opinion of the majority of this House; but I see nothing, Sir, in the circumstances of the times which should make me shrink, in the slightest degree, from expressing that opinion, because I am convinced that it differs from the opinion of the majority. I differ from the resolutions because I do not place confidence in his Majesty's late ministers. I differ from them because I do not agree to the expediency of the measure which has been under discussion; and I differ from them, because I consider that they establish a precedent dangerous at all times, but pecu-

liarly dangerous in the circumstances in which we at present stand. I differ most from the resolutions, because they advocate an extensive change in the constitution of this House; to which I—though it has been sanctioned by the majority of this House—have always refused to be a party. I retain my opinion, that the change is a perilous experiment—the most perilous that ever was tried; and, retaining my opinion unaltered, nothing which I have heard this night—nothing in the language of the hon. gentleman (the member for Middlesex), who has expressed his readiness to withhold the supplies, and vest the money in commissioners—nothing, I say, which I have heard in the language of the hon. gentleman, has at all tended to diminish the apprehensions which I entertain of the measure of reform. I shall presume to say, if we are about to make an extensive change in the constitution—if we are about to make this House the express image—not of the deliberate and well-weighed sentiments of the people, but of popular impatience—that I dread the consequences, and I must look with active and scrutinizing regard at any precedents likely to confirm that disposition to encroachment which I so much dread. The consequence of the change will be, to make this House the express image and reflection of the popular voice, I believe, and this we have always urged. But if we make this House answer to the expectations of the people, I do not see how that can be reconciled, particularly as some hon. members have described this House as immediately backed by the popular voice, and as supported by the physical strength of the people at least—I cannot reconcile to myself how such a House of Commons can exist with our mixed form of government. If there could be any thing dangerous in the resolutions at any time, that danger must, in my view, be particularly apprehended if we adopt such a precedent on the eve of another extensive change. The House cannot be surprised that I differ from the resolutions, and cannot be surprised that I think the moment for submitting them to the House not well chosen. That was the opinion, too, of the noble lord opposite—the opinion of an individual than whom no man's opinion is more worthy of confidence, who for eighteen months has been intrusted with the management of public business in this House; and that noble lord's first impression was, that at the present moment, when there was no government existing—when there was an important crisis at hand—feeling that it would interfere with the prerogatives of the Crown for the House to declare the opinion which was implied in the resolutions, the noble lord had thought, in the first instance, that at this moment such an expression of opinion was to be avoided. The noble lord's more mature opinion, after reflection and deliberation, confirmed his first impression. Though I have not often voted with the noble lord, on his opinion I place some reliance; and he has repeated to-day the opinion he gave last night, that the moment for these resolutions was peculiarly inappropriate; and in that opinion I cordially concur. If I wanted any authority against the terms of the resolutions, I should refer to that of the noble lord, the author of the resolutions. We have been told by the hon. gentleman, the member for Middlesex, something of the history of the resolutions proposed by the noble lord. The hon. member, in rebutting an accusation that was never made, and that will never be deservedly made—an accusation that the noble lord, who had moved the resolution, had shown disrespect to the Crown—the hon. member, acting, as he frequently does, from completely misunderstanding the matter, and from mistaking the observations to which he undertook to reply, entered into a most unnecessary vindication of the noble lord, and in the course of that vindication had made some important disclosures—"I can prove," the hon. member said, "that the noble lord did not intend any disrespect, because he contemplated originally much milder resolutions, something very short and very simple in themselves"—something which the hon. gentleman described, with a construction peculiar to himself, as much too weak for him. The hon. gentleman then had been permitted to suggest alterations which the noble lord admitted, and which made the resolutions not strong enough, indeed, for him, but more acceptable than the original resolution. The hon. gentleman, then, is the author of part of the resolutions, and I have the original resolutions of the noble lord, as a proof that the present resolutions are not exactly what he approved of. If, then, I am to find out the object of the resolutions from the speech of one of the authors of them, I must say, from the speech of the hon. member, that they are intended to express decided approbation of the measures of his Majesty's ministers in recommending an increase of

the House of Peers. The resolutions call upon the House to express unaltered confidence in the ministers who have resigned, because such advice was not followed. But, before the hon. member, who knows all about the matter, calls on me to agree to the resolutions, he will, perhaps, condescend to give me as much information as he possesses. The hon. member says, he approves of the resolutions; perhaps he will tell us how much of them he drew up? The hon. gentleman has a habit of taking down words, and I have followed the hon. gentleman's excellent example. The hon. gentleman said, "I think it necessary to express our unabated confidence, in consequence of the course the ministers pursued. I blame them not for asking to make twenty or thirty Peers, or for demanding such an addition to the House of Peers as would secure the success of the Reform Bill; if the ministers had demanded sixty or 100, if that were necessary, it would only make the measure more acceptable to me." The hon. gentleman said—and it was impossible to misunderstand him—"that there are two parties, and it is impossible for one party to be wrong, and that party is the king's government." The hon. gentleman did not draw the conclusion; but it did not need his logical acumen to know, that, if one party cannot be wrong, the other must be. This is the inference which the hon. gentleman did not draw, but which every body else will. The hon. gentleman has talked of some intrigues, of some recent communications. If the hon. gentleman has any information on this subject, let him bring it forward; let him state who it is that assumes a power unknown to the constitution, which the constitution has never granted, and interferes between the responsible advisers of the Crown and the Crown itself. I am not prepared, then, to assent to the first resolution, which expresses unaltered confidence in the government. I am bound, out of respect to myself, to say, that I cannot agree to that resolution. With many of the measures of the government I have found it impossible to agree, and when I have found it necessary to object to them, I have boldly stated my objections; but having objected to their measures, it cannot be expected that I should express confidence in the men. My opposition, however, has not been factious; and when I have been able to assent to their measures, I have given them a fair and honest support; but I must abstain from agreeing to a resolution which calls on me to express unaltered confidence in respect to their past proceedings in giving advice to the Crown. It seems to me that the resolutions are not applicable to the present circumstances, which do not call upon us to express unaltered confidence. In the present state of our information, to express confidence, when no explanations have been received, is too much consistently to require. I have a right to know, before being asked for such a vote, to know under what precise circumstances the advice was given, and precisely what it was. The noble lord (Althorp) says, that the advice they gave the sovereign was, to make a sufficient number of Peers to enable the government to carry a particular measure; but if upon such grounds I am asked to declare unabated confidence in the ministers, I must say nothing can be more unfortunate or more inconsistent, for I can conceive nothing more fatal to the dignity of the Crown, more foolish, more destructive of the constitution, and the best interests of the country, than for the Crown to act upon such advice. If that were to be done, what meaning could be given to the words "authority of both Houses of Parliament?" What an abuse of words it would be to talk of that authority, and why call upon us to go through the solemn mockery of declaring that measures had received the sanction and the authority of both Houses of Parliament? The hon. gentleman says, and he calls upon the House of Commons to support a resolution, that it is advisable, by creating sixty or a hundred Peers, to overwhelm the independent voice of one branch of the legislature; and as I cannot be a party to an act which would convert all our subsequent proceedings into a mere mockery, as well as overthrow the constitution, I cannot join in that resolution. The noble lord (Lord Morpeth) asked, what disgrace would it be to the escutcheons of the Peers to have an infusion of other members into their body? Does not the noble lord see the use which government may at any time make of the same language? After a century shall have passed, perhaps, he thinks this precedent may again be acted on, and then that some government may find some measure as important as this, and deserving to be carried by similar means. Let the noble lord not deceive himself; he will not have to wait so long to see the precedent acted on. I know that this measure is described as one of unequalled importance; but two years will

not elapse before some other measure, supposed to be of equal importance, will require that this precedent should be repeated, and the Peers overwhelmed by a new creation to carry some popular purpose. In the abstract, certainly it must ever be most dangerous for the Crown to create an immense number of Peerages with a view to carry any particular measure, and nothing can excuse or justify it but some overpowering necessity. Conceding the principle for the sake of argument, which, in fact, however, I never will concede, what proof have we of any necessity to justify such a creation at present? In making this precedent, which would be so dangerous under any circumstances, it is now doubly dangerous, because there is no actual necessity to justify it, but only a vague suspicion that at some future time a necessity may arise, and without waiting till it has arrived, and merely to enable the government to meet such a contingency, the ministers have given advice of so fearful and fatal a tendency. In making the concession that such an abstract principle may be acted on, I demand to know why you will not wait till the necessity arises? Half the debate on the present evening has been taken up by taunts against gentlemen who have changed their opinion, and admit the propriety of passing schedule A. On such a subject nothing is more unworthy or more unwise than such a proceeding; for though hon. members differ from some noble lords, why should they cast imputations on them when they were endeavouring as men of honour to make an honest compromise on an important question of this kind? Suppose it was found that the House of Lords, after the second reading of the bill, considered, that by the second reading they were not strictly bound to agree to the whole measure as concocted by the government; but, supposing that they had agreed to go into a committee, and having done that, were willing to give their support to schedule A, to reproach them with that might be a good sarcasm; but it was fatal to the correctness of the reasoning of those who used it. The sarcasm was irreconcilable with the argument. If the lords were prepared to make such sacrifices; if the ministers could carry schedule A, why, he would ask, did they not make the experiment, and try if schedule A could be carried? There are peculiar instances which make it proper in our discussions to refrain from noticing what occurs in another place; but though feeling that such notice, if drawn into a precedent, would be fatal to all order, yet there are occasions when we may do so, and I believe it is notorious that upwards of seventy Peers signed the protest against the second reading of the Reform Bill; and it was also notorious that a great number of those who voted for the second reading voted for the postponement of schedule A. Among them were Lord Wharncliffe and the Earl of Harrowby, and a great number—I may perhaps say fifty—who were prepared to affirm, without recurring to schedule A, that the system of government could no longer be carried on by means of nomination boroughs. If the House of Lords were resigned to permit that large reform, why not accept it? Suppose some difference should arise about schedule B, the great object was stated to be to get rid of the small nomination boroughs; and supposing the government to concede schedule A, could it be believed that it would be impossible to reconcile the country to a modified bill? The question before us arises out of a proposition made to the other House, that schedule A be postponed. I admit that this question involves, at least in the minds of the authors of the bill, a principle of importance. By some persons it is said that the nomination boroughs are a blot and a defect on the constitution, which are incompatible with its recognised principles, and that they must be abated as a nuisance. They would on that ground alone destroy them. The other party said, that care and caution were necessary in disfranchising them, and would not admit that disfranchisement should precede enfranchisement, and they, therefore, proposed to postpone the disfranchising clause. Suppose that the ultimate consequence had been, to disfranchise these nomination boroughs; as far as that particular object is concerned, is it to be believed that the people would have stood out on the point whether schedule A should be first considered or not? By not waiting, at all events, the ministers had showed that there was nothing palpable but a difference of degree, and they can of course show no necessity for the extraordinary step they recommended. Admitting, therefore, which I do not admit, that a creation of Peers to carry a particular measure would be justifiable in certain circumstances, I say that you have failed in making out any case of urgent necessity; I repeat, therefore, that I cannot do otherwise than condemn the advice which it is understood

was given to the Crown. I repeat also, in as courteous language as possible, that I think the course which the government has pursued has far from tended to control the expectations of the people, or to induce them to take that calm and modified view of this great question of parliamentary reform which was so desirable. On the contrary, I think that the line of conduct they have adopted, ever since they have been in office, by their declarations and by their correspondence, instead of assuaging, has only tended to raise those expectations, and to lengthen the period of the excitement which we must all have wished to avoid. Considering all the circumstances of the case, if ever there were a set of men who were studiously bound to avoid placing their sovereign in a situation of difficulty, by resigning their offices, never were there a set of men who had stronger motives for avoiding such conduct than his Majesty's ministers. In the first resolution, therefore, I cannot agree; and most cordially do I agree with my hon. friend, the member for Thetford (Mr. Baring), in meeting that resolution with a direct negative, abstaining from availing ourselves of any of the courtesies by which the pain of meeting a motion by a direct negative is avoided. The first resolution expresses an adherence to his Majesty's government; I vote against it because I see no reason for the House of Commons expressing any such adherence. The second resolution merely quotes a passage from the speech from the throne, and describes an opinion of the House of Commons already expressed on the Reform Bill, and of course to that opinion the majority will adhere, and will repeat it. I pass it by as not requiring remark. The third resolution is to this effect—"That to the progress of the measure, this House considers itself bound to state to his Majesty, that his subjects are looking with the most intense interest and anxiety." But why express the whole of his Majesty's subjects, when it is well known that a great difference of opinion prevails amongst them, and that many of them are opposed to this measure? The resolution, however, goes on to say, "that they cannot disguise from his Majesty their apprehensions, that any successful attempt to mutilate or impair the efficiency of the bill will be productive of the greatest disappointment and dismay." Now, what are the circumstances? We have sent a bill up to the other House—that is a formal proceeding; that bill has been read a second time; but a difference of opinion has existed as to the collocation of certain clauses; is it right in the House of Commons now to pledge themselves, under no circumstances to admit of modifications in that bill? I call on the House to consider the precedent they will set if they agree to this resolution. Let it be applied to other bills. We send up a bill to the House of Lords, and before the House of Lords can consider it, we send up an address to the Crown, praying that the bill may not be mutilated, and declaring that we will consent to no mutilation. Is this a fitting course for the House of Commons? Is it a proper exercise of its functions? Why, we will not allow the Peers to exercise any right of dissent, not merely from our bill, but even from the collocation of its clauses. Is that not interfering with the other House of Parliament? This is not a question as to the conduct of ministers, it is a question between the two Houses of Parliament relative to a bill pending before the other House; and on a matter of so much delicacy, without consulting the Journals of that House, resting merely on common fame, the House of Commons is called on to address the Crown not to suffer any mutilation of the bill. We are called upon to state to the Crown that no other bill but this will satisfy the people. But the power of the government itself will be destroyed by that bill. No government can exist which does not control and restrain the popular sentiments; and no restraints can exist if government is to look for support to a House of Commons, which, being the express image of the people, would, after the example of this precedent, send up an address to the Crown requesting that a bill before the lords shall not be mutilated and rendered less efficient. It is certainly a most dangerous proceeding for a government first to rouse the passions of the people upon the subject of a particular bill, until disappointment becomes almost impossible, and then to send it to the lords, and address the throne not to permit their lordships the free exercise of their functions. Now, then, let us see what is the last resolution. There is a majority in this House in favour of reform; they may, probably, think that these are merely resolutions pledging the House to adhere to their former opinions: they are no such thing. This last resolution is, in substance, neither more nor less than a dictation to the Crown. I call particular attention to this resolution. It was only yesterday

we had notice of the motion of the noble lord, and this day we are called upon to pledge ourselves to the dangerous course of not submitting, under any circumstances, to the mutilation of a measure which is now under the consideration of another branch of the legislature. The words of the resolution are:—'That this House is therefore, impelled by the warmest attachment to his Majesty's person and throne, humbly, but most earnestly, to implore his Majesty to call to his councils such persons only as will carry into effect, unimpaired in all its essential provisions, that bill for the reform of the representation of the people which has recently passed this House. If the House agree to this resolution it will completely dictate to the Crown who is to serve it. Combined with the other resolutions, it will establish a most dangerous precedent. One resolution pledges the House not to admit of any mutilation of the bill; and this resolution addresses his Majesty not to call to his councils any persons who will not carry it into effect unimpaired in all its principal provisions. The resolutions, then, together, tell the Crown that the only persons proper to serve it are those persons who will carry into effect the bill. I wish to ask, first, if you think it proper to call on the Crown, on appointing ministers, to require pledges of them? Is it right, on the Crown appointing any of its servants, that it should require of them, not only that their opinions should be generally stated on any point, but should refuse to allow them to form their opinions as the exigency of any case might require, and should insist on their pledging themselves beforehand to all the details of every measure? These are new principles; and I shall prove that, though now omitted, there is high authority against them. In 1807, a government went out of office, of which the present government is the natural successor and inheritor of its political opinions; that government retired from office, not because the king would not consent to the bill admitting Catholics to parliament—for that bill was withdrawn in deference to the scruples of the king—but because his Majesty required Lords Grenville and Grey, while they continued in office, that they should make no proposition of a similar nature. They answered, that they would not fetter themselves by any such pledge; that the public safety must be their law; and they must be left at liberty to act according to the exigencies of the times. How was the pledge they were now called on to address his Majesty to exact, different from this? It was calling on his Majesty to exact a pledge from his servants both as to principles and as to details. What were the resolutions proposed in the House of Commons and Lords in 1807? Those resolutions expressed the opinion of Earl Grey and his friends at that period, and it would be useful to quote at least one of them, as showing what was then the opinion of the present ministers as to exacting pledges. The resolution moved by the Marquis of Stafford, in the House of Lords in 1807, was this:—"That this House, feeling the necessity of a firm and stable government in this most important crisis of public affairs, is impressed with the deepest regret at the change which has taken place in his Majesty's councils, and that this regret is greatly increased by the causes to which the change has been ascribed; it being the opinion of this House, that it is contrary to the first duties of the responsible ministers of the king to restrain themselves by any pledge, expressed or implied, from submitting to his Majesty faithfully and truly, any advice which, in their judgment, the course of circumstances may render necessary for the honour of his Majesty's Crown, and the welfare of his dominions." I call upon the House to contrast the resolutions which I have just read with those now proposed. What the present resolution dictates, the resolution of 1807 strongly deprecated. The Crown is called upon to exact a pledge from its ministers to carry the Reform Bill into effect in all its essential principles of representation. The Crown, Sir, acting upon these resolutions, would be compelled to say to any person who might be honoured by his Majesty's selection, you must pledge yourself to carry these principles into complete effect, before I can admit you into my service—no matter how pregnant they may be with danger to the country—no matter in what disputes they were likely to involve both Houses of Parliament. No man, Sir, could, with any propriety of feeling, accept office on such terms. In 1807, there was no attempt to require any pledges as to the details of the measure. I consider it a violation of the constitution itself to call on the king to require those who may be about to enter his service to give such pledges. On these grounds, therefore, I feel it my duty to oppose these three resolutions. The noble lord has referred to the precedent of 1812, but when

Lord Wharncliffe brought forward his motion, a proposition had been made to Mr. Canning to enter the ministry which had failed; another negotiation, however, had succeeded, and it was then matter of notoriety who was to be the minister. But here we are not only to call upon the Crown to appoint an efficient government, but, by these resolutions, are required to dictate to it the principles on which that government is to be carried on, and in reality the persons of whom it is to be composed. In my opinion, there is neither necessity nor justification for entering into these resolutions. When this House shall be modelled upon the principles of the bill brought in by the hon. gentlemen opposite, then, I have no doubt, they will find a ready disposition to violate and encroach on the prerogatives of the other branches of the legislature. When such language is made use of as I have heard to-night, I doubt not that the most ardent anticipations of hon. gentlemen opposite will be fully realized. I cannot but deprecate, to the utmost of my power, the establishment of such a precedent—a precedent which I consider to be opposed to the principles of the constitution, and to the welfare of the nation itself.

Several other members having spoken—the House divided on Lord Ebrington's motion: Ayes, 288; Noes, 208; majority, 80.

Lord Ebrington then moved, "That the Address be presented to his Majesty by such members of the House as were of his Majesty's most honourable Privy Council."

This motion, after some discussion, was also agreed to.

REFORM.—RESIGNATION OF MINISTERS.—PETITIONS.

MAY 11, 1832.

Mr. John Wood rose for the purpose of presenting a petition, the first, he believed, of thousands which that House would soon receive, praying that they, the House of Commons, would refuse to vote any supplies, until the measure of Reform was carried. The hon. member concluded a very animated speech, by begging leave to read the petition, having done which, he moved that it be brought up.

Mr. Heywood, in seconding the motion, bore testimony to the consternation and dismay which prevailed throughout the country, and expressed his conviction that the passing of a measure of reform could not with any safety be delayed.

In the course of the somewhat stormy discussion which ensued, Mr. Duncombe stated, that there were reports abroad that the right hon. baronet (Sir R. Peel), had accepted office, upon the pledge of granting some kind of Parliamentary Reform. He wished to know if those reports were well founded.

SIR ROBERT PEEL said, he must beg leave, notwithstanding the precedents quoted by the hon. gentleman opposite, to exercise his own discretion. He certainly was disposed to give the hon. gentleman every possible information, both because it was proper for public men to give explanations of matters which might affect their character, and because of the courtesy which the hon. gentleman had manifested to him in the way in which he put the question. He claimed the right of exercising his discretion, notwithstanding precedents; but, on the present occasion, that discretion would not induce him to refuse an answer. "I do not hesitate," said the right hon. baronet, "to state, that I stand here in a private capacity only. I also do not hesitate to declare, that the rumour to which the hon. gentleman has alluded, of my having accepted office under the Duke of Wellington, is wholly unfounded. The fact is, I have received no invitation, from any person authorized to make one, to accept office, and therefore stand here in my private capacity." It was because he stood there in a private capacity that he begged leave to entreat the House to take care, that while it expressed its opinions on the great question which now occupied the public mind with firmness, to do so temperately. He felt that neither he nor any other member had a right to dictate to any gentleman the measure of vehemence with which he should give utterance to his feelings; but he also felt it to be a matter of duty to respectfully urge upon the House the expediency, indeed the imperative necessity, of not adding to the excitement of the public by violent expressions, or unnecessary reference to delicate and inflammable topics. It was the more neces-

sary that they should abstain from such indiscreet allusions and exciting topics, as there was no man in that House authorized to address the House on the part of the Crown, so as to give an official contradiction to the vague assertions, or unfounded rumours affecting the public mind, like that just referred to, and apparently credited by the hon. member for Hertford; else why found a question upon it? It was by no means improbable, that many other rumours, equally groundless, and equally stimulant to the public mind, might be in circulation, which, however, it might not be so easy to expose: so that he trusted, in the absence of persons authorized by the Crown to speak officially, that hon. members would exercise a wholesome discretion in bringing them in an authoritative manner before the public. For example, the hon. member for Carlisle had mentioned a rumour which no man could take it upon him to officially contradict, and which, repeated in parliament without being contradicted, must necessarily aggravate the dangerously excited state of the public mind. That hon. member, in alluding to a report, which might have no foundation whatever, that parliament was to be dissolved on Monday by the Duke of Wellington's government, made a most inflammatory appeal to the determination of the people, not to be diverted from their purpose by the "sword and bayonets," and other machinery of military rule, and which, he repeated, in the absence of those authorized to contradict or affirm the report, was only calculated to add to the excitement of those out of doors. Again, the hon. member for Rye had made it a charge against the Duke of Wellington, that the last act of his official career was marshalling a strong military force to act against the people in the city of London. He would calmly recall their attention to the facts of the case. The King was to have dined with the civic authorities of the city of London on the 9th of November. Great apprehensions were entertained that the occasion would be made instrumental in disturbing the public peace, and, accordingly, the necessary precautions were taken to protect the lives and properties of the inhabitants against all marauders. It was doubtless true, that in order to afford aid to the civil authorities, if the civil force should not be equal to the protection of the public peace, that he, as Home Secretary (and he, therefore, and not the Duke of Wellington, was responsible for the act) desired the Commander-in-chief to have a military force in readiness to aid the civil force in quelling disturbance, should it be necessary. And God forbid that the time should ever come when any Home Secretary would refuse, on a lawful occasion, to, at all hazards, call upon the military to assist the civil power in protecting the public peace! But what did they do on the occasion? Why, simply, when they found that there were serious apprehensions that the immense assembly which the occasion would collect might, at a period of the year in which the shortness of the days afforded great facilities to mischief and riot, be led into acts of collision—in the first instance, perhaps, with the police, and next with the military—they advised his Majesty not to attend the city dinner, as he had intended, and thereby precluded the possibility of the collision and its consequences. And for this humane policy they were at the time censured as unnecessary alarmists; while now the gallant member, on the other hand, denounced them for having meditated something like military oppression.

The petition was ordered to be printed.

LONDON PETITION—CHANGE OF MINISTRY.

MAY 14, 1832.

Mr. Alderman Wood presented a petition from the city of London, praying the House to refuse any further supplies to the Executive till the Reform Bill was passed into a law.

Mr. Alderman Thompson supported the Petition.

In the course of the long debate which ensued,—

SIR ROBERT PEEL spoke as follows: I must say, that I have a strong feeling that the House has this evening engaged in a discussion which, for many reasons, is injudicious. We are not in possession of that information which is essential for the purpose of forming a correct judgment on many subjects which have, in consequence,

been argued hypothetically. Now, Sir, I take the liberty of suggesting to the House to consider the position in which the king of this country is placed. His Majesty has recently accepted the resignation of those who were his confidential servants. I can undertake to pronounce no opinion as to the course which they have assumed, because no explanation has been given in detail of the circumstances under which their advice was offered, so as to enable me to form a satisfactory judgment on the course which they have pursued. I certainly infer, that the case is this: that, in order to carry a certain measure through the other House of Parliament, the Ministers advised his Majesty to create a number of Peers. What that number was I know not. Some say, the power demanded was, to create an indefinite number; others have named thirty, forty, sixty, or seventy; but, at all events, to such an extent as would have proved fatal to the authority of the House of Lords. His Majesty declined to accede to that advice, and the consequence is, that the king is now attempting to form another administration. Now it appears, in the course of these debates, on this very day, that there is no one who has authority in this House to speak on the part of that administration. The hon. member for Hertford, referring irregularly, but perhaps necessarily, to what has taken place in another House, has told us, that there a declaration was made, to the effect that another administration was formed. If the hon. member himself heard that statement, it is, of course, unlikely that there can be any mistake on the subject; but it certainly does seem strange, that an administration should be formed, and that there should be no one in this House to give any explanation on the subject. If, therefore, the hon. member has only spoken from report, I should be inclined to think, that that report must be erroneous. If the declaration alluded to was only to the effect that the king was occupied in attempting to form another administration, without any explanation as to the principles on which that administration was to be formed, I put it to the House, whether declarations of determined hostility to a hypothetical administration, are not somewhat premature?

Mr. Duncombe: In what I said relative to what has taken place this evening in the House of Lords, I referred to what one of the reporters had taken down. The passage that was read to me was to this effect—that Lord Carnarvon had risen in his place to say that an administration was formed, except in some of its minor details; after which he went on to move that the order of the day for the committee on the Reform Bill should be postponed till Thursday, thereby evincing that that bill had now got into other hands.

Sir Robert Peel: The noble lord, the paymaster of the forces, thought proper to refer to me with respect to the course I might pursue at this juncture. Now I will tell the noble lord fairly, that I do not think that prudence or respect to the House requires me to make any answer to his observations on the present occasion. I think that the noble lord's reference to me was entirely unnecessary; and I will tell the noble lord further, that some time ago, when office was not within my reach, I stated that it was no object to me: now that it is within my reach, I will again repeat that observation; so that it will be seen that I claim no credit for any supposed sacrifice. If the noble lord's inference is correct—that I feel unable to enter into the service of the Crown—I will at all events add this to it—that I bitterly regret that, in the situation in which his Majesty is now placed, I am not able to accept office; and that the greatest regret that attends my refusal of office is, the possibility of its affording an opportunity for sarcasm being pointed by contrast against those who feel themselves able to join the new administration. Whatever course my noble friend (the Duke of Wellington) may pursue—whether or no I may be able to pursue that course too—this I will say, that I never felt a more perfect confidence of any thing in my life, than that that course (be it what it may) will be dictated by the highest courage and the purest sense of honour that ever influenced the actions of any public man, either in accepting or in retiring from office.

Several other members having spoken on the question, the petition was read; and finally, ordered to be printed.

MINISTERIAL ARRANGEMENTS.

MAY 18, 1832.

In reply to a question from Mr. Hume, Lord Althorp begged to inform the House that his Majesty's ministers conceived they had secured such an arrangement as they deemed sufficient for the passing of the Reform Bill, and that, consequently, they still held possession of office.

Lord Milton stated, that under these circumstances it was not his intention to submit to the House the Address which he had proposed to offer for their adoption.

SIR ROBERT PEEL said, I was not aware, Sir, of the intention of the noble lord to submit any proposition to this House. If I had been—as a man deeply interested in the prosperity of the state—deeply interested, too, in seeing some termination of the present state of affairs consistent with the honour of all parties, I should have deprecated this untimely interference. Even if the noble lord (Althorp) had not made the announcement which he has now made, if it had been found impossible that the present ministry should return to office, I should have risen for the purpose of entreating the noble lord, not without notice—not without giving us an opportunity of maturing our opinions, most certainly not, while negotiations were still pending—to bring before this House any vote which could by possibility interpose fresh difficulties in the way of an arrangement. That is the course which, in the best exercise of my discretion, I should have recommended him to pursue. But all intervention on this subject on the part of the House of Commons, is precluded by the communication which the noble lord has just made. The House will, perhaps, permit me, although there is no one who is more averse to trouble them with explanations of a personal nature, yet, as the crisis is so important, and the part which I have taken has been so much discussed, the House will, perhaps, permit me to occupy their attention for a few moments, while I state the grounds on which the decision I came to was formed. I will make this explanation as briefly as possible, and what I am about to state shall be merely for my own vindication. On Wednesday last a communication was made to me by a noble friend, for whom, notwithstanding all the calumnies that have been directed against him, I avow that I entertain the sincerest esteem. I mean Lord Lyndhurst; yes, Sir, I will not shrink, notwithstanding the difference of opinion which a majority of this House may express, from making an avowal of the high opinion I entertain of the talents and of the public character of that noble lord. On Wednesday last Lord Lyndhurst waited on me, stating—not that he had authority from his Majesty to form an administration, but that, having been his Majesty's Lord Chancellor—now holding a high judicial situation—and being, on that account, out of the immediate vortex of political affairs; he had been for these reasons selected by his Majesty, for the purpose of conferring with him on the present state of affairs. The noble lord enquired whether I considered it to be in my power to enter into the king's service at this crisis? He stated the difficulties in which his Majesty had been placed by the resignation of his late servants, on account of his refusal to create Peers for the purpose of carrying the Reform Bill. I was informed that the only other person who had been then consulted was the Duke of Wellington, who was determined to assist his Majesty in any way—who wished no office, but who was ready to take office, if his taking of office was considered likely to facilitate the formation of a government. Although no communication was then made to me by the express command of his Majesty, yet, as I see no occasion to maintain any reserve when entering on an explanation of this kind, I will state, that I did understand the question as formally put to me, whether I was willing to accept that office, which, in political life, is supposed to be the highest object of ambition. I ought to state, in justice to the king, that it was at the same time notified to me, that the acceptance of office must be on the clear understanding that his Majesty's past declarations with regard to reform be fulfilled, and that whoever took office must accept it on the condition of introducing an extensive measure of reform. I replied to Lord Lyndhurst, I admit upon the impulse of the moment, but upon an impulse which my maturer judgment only served to confirm, that no authority nor example of any man, or any number of men, could shake my resolution not to accept office under existing circumstances, upon such conditions.

I answered under the influence of feelings which no reasoning could abate, that it would not be for my honour, or for the advantage of the country, that I should accept office, on the condition of introducing an extensive measure of reform. In the present state of affairs, I considered, and I believe with perfect justice, that by extensive reform was meant the adoption of the leading provisions of the bill. I do not say all the provisions of the bill without exception, but all that are essential to carry into full effect its principles. I said to Lord Lyndhurst, that I must decide for myself on the instant, on a review of the peculiar situation in which I stood; that I felt the difficulties in which the king was placed; that I had never entertained so strong a wish to serve his Majesty as I now did, for the purpose of removing those difficulties; but that, if I were to accept office without an unrepenting conscience—if I were to enter this House for the purpose of discharging its duties, without a light heart, a firm step, and an erect aspect, I could render no effectual service to his Majesty, or to the country. What is the situation in which I stand with respect to reform—to that measure, the adoption of the principles of which was to be the condition of my appointment to office? I have given it the most strenuous opposition, continued to the latest moment. I deprecated the principle of the bill, fraught, as I believe it to be, with injustice. I considered it a revolutionary measure, calculated to introduce such changes in the practical working of the constitution, as, if not revolutionary in themselves, would lead to revolution; and, therefore, to the principles and details of that bill I have offered to the last my most decided opposition. Those with whom I have co-operated, received a declaration from me very early, that I should take that course with respect to reform and the Reform Bill, that must preclude me from taking office under circumstances like the present; and, having done that, where is he who thinks, that out of 658 members of this House, I could be the chosen man to stand in that place as minister, in order to recommend the adoption of that bill of which I had been the chief opponent? If it were necessary to select a person as a mediator between hostile parties, am I, who have been the head of one of those parties, proper to be selected for that purpose? Is it likely, in proposing modifications of the bill, that I, of all men, could have persuaded the majority to which I have been opposed, to acquiesce in my recommendation for the improvement of their bill? I ground the vindication of the course I have taken (if vindication be necessary) on the peculiar position in which I personally stand. So far from calling in question the motives of others, who were inclined to take office in order to relieve the king from the difficulties with which he was surrounded, that I hold them in the utmost respect. I firmly believe, that those men who were willing, at such a crisis, to devote themselves to the service of the Crown, acted not only from the most disinterested motives, but from motives the highest and purest by which public men could be actuated. Their reasons for taking that course were, that they should have lowered themselves in their own esteem if they had not been ready to make that sacrifice; and it was precisely on the same ground, a sense of personal honour, on which I decided that I could not take office in order to carry the Reform Bill. That conviction was rooted too strongly in my mind, to make it possible that my service could be useful service. Some allowance, Sir, must be made for human failings. Other considerations were amply sufficient; but I could not cast out of my view the conduct I had been compelled to pursue with respect to the Catholic bill. I then reviewed my former declarations, and took a course directly contrary to that I had before pursued. But, Sir, the difference between the two cases was great. I was then the responsible adviser of the Crown, and, looking at the state of the country, the state of public opinion, and at the general condition of Europe, I thought it my duty to submit to the king, on a review of the then existing circumstances, that there was an immediate and pressing evil which must be remedied without delay, and that the danger of further resistance to the claims of the Roman Catholics was, upon the whole, greater than the concession. I gave that advice to the Crown; but I say now, as I have said before, that I did all that it was possible to do to relieve myself from the necessity of proposing that measure, and to retire from office. But even if it were possible to repeat the conduct I then pursued, this is not a repetition of the Catholic question; I have not advised the king to propose the Reform Bill; I am not a responsible minister of the Crown; and being out of office, I felt myself per-

fectly justified in declining to enter it on a condition (perhaps an unavoidable condition) that my first act should be the proposal of reform—I say the proposal of it, because it would have been a miserable evasion, to place some other person in the situation of proposer, with my consent to, and support of, the proposal. It may be—indeed, it has been said—that the English bill of reform had passed the House of Commons; and that, therefore, a minister in the House of Commons would have had no further concern with it. This may be technically true, so far as discussion in the House is concerned—but what advice was that minister to give to the king, with respect to the progress of the bill in the Lords? Was he to advise that it should pass unmodified—or that it should pass subject to modification and change? In either case, did he not virtually adopt the bill, as much as if it still had remained under consideration in the House of Commons? But even if there be any force in this observation with respect to the English bill of reform, what is the case with respect to the Scotch, and to the Irish bill? They have not passed the House of Commons—they are here undecided on; and the first consequence of my acceptance of office must have been the completion and perfection of two bills, to one of which, at least—namely, the Irish—I am decidedly opposed. I ask any man whether it be likely that I could, as minister, bring either one or the other to a satisfactory termination? But I look further than to either of these bills—I speak of the measure of reform generally. Granted, that the immediate settlement of that question is now become unavoidable—granted, that there is as much danger, as circumstances now stand, in peremptory rejection, as there can be in any other course that can be taken; that the best result would be, the acceptance of the bill with extensive modifications not incompatible with its main principles. Even in that case, could such modifications be proposed by me with any prospect of advantage? From the original authors of the measure modification might be accepted; and I do trust that they will now feel, that they can originate with honour all modifications which they may think reasonable and just. But modifications suggested by a decided opponent, would not be received by the country as a final settlement of the question. The parties who are now about, for the first time, to receive privileges from the provisions of this bill, would consider themselves under no obligations for such privileges, if they were extorted from an enemy to the bill, but would receive them with an increased desire to acquire in a second bill that which had not been conceded in the first. These are the reasons that prompted me to take the course which I have pursued on this occasion. The impulse on which I acted, when first applied to, satisfied me at that time, and reason has since convinced me, that neither for my own honour, nor for public advantage, could I accept office, if the acceptance of office was to be under the condition of supporting the provisions of the bill, either as it now exists in the House of Lords, or with such modifications only as were consistent with its main provisions. These opinions separated me from some noble friends of mine, who did not feel themselves placed in the same situation. I regret that separation, even though it be temporary, particularly the separation from that man whom I chiefly honour, and I am anxious to declare, that even that separation has only raised him in my esteem. One word more. It has been insinuated, in some of those channels through which the public generally obtain their information, that I have been influenced in the course which I have pursued, by the lurking suspicion that any government now to be established could not be permanent, and that I was a party to the formation of a phantom government which should carry the Reform Bill, in the belief that, when that was done, I could step in and build my authority and power upon the ruins of that administration. If there is any gentleman in this House who thinks my conduct open to the slightest suspicion in this respect, who thinks it in the least necessary for me to explain it, I will satisfy him that that was not the motive of the course which I pursued. The only opinion I expressed was (if a reconciliation between his Majesty and the members of his Majesty's government should prove impracticable) in favour of an arrangement which was most likely to be permanent, and which, while it continued in operation, must necessarily exclude me from office. As, however, some person has stated, that on this subject he defies contradiction, and that I was a party to an understanding such as I have mentioned, I beg leave, in as distinct words as one man is capable of using in contradicting another, to declare that it is an infamous

falsehood. I look at the circumstances in which the country is placed with much deeper interest than any I can have in my return to office, and I can with truth assert, that this is the last consideration to which I have adverted in any advice I have given in reference to recent events.

After some remarks by Lord Althorp, the conversation dropped.

CONDUCT OF THE PRESS.

MAY 21, 1832.

On the Lord Advocate moving the Order of the Day, for the second reading of the Parliamentary Reform Bill for Scotland,—

Lord Stormont called the attention of the House to some remarks that appeared in the "Satirist," weekly paper of Sunday, May 13, and wished to know what the intentions of the Attorney-general were with regard to the present licentious state of the Press.

The Attorney-general having replied,—

SIR ROBERT PEELE said, I think that an unfortunate departure from the usual practice has been made this evening by the Attorney-general, who, in answer to a simple question, has delivered a speech which, from its tenor, must clearly have been matured in expectation of my noble friend's question. If, indeed, any attack had been made on the Attorney-general by my noble friend in introducing this question, the learned gentleman might have been justified in the course he has pursued; but nothing could be more temperate or more courteous than the manner in which my noble friend brought these newspaper paragraphs under the notice of the hon. and learned gentleman—paragraphs, too, which he himself admits to be libels on the highest persons in the realm. So courteous, indeed, was the manner of my noble friend, that I believe he did not even ask for an immediate answer to his question. In one part of the hon. and learned gentleman's speech I entirely concur. There is no man who has had official experience connected with the press, who can fail to be sensible of the danger of any crusade rashly directed against it. There are considerations of delicacy and prudence always to be attended to; and if you were to produce a hundred libels of the most disgusting nature, and at the same time show me that the Attorney-general had not prosecuted one of them, I certainly should not, from those two premises alone, draw the conclusion that he must necessarily have neglected his duty. In cases of obscene, or irreligious, or seditious publications, there are other considerations to be weighed beyond the simple one whether the strict letter of the law has or has not been violated. There is a question of political discretion as well as one of mere law. There are undoubtedly cases in which it is absolutely necessary that the government should appeal to the law of the land, lest continued impunity should raise the belief that scandalous libels are viewed with indifference by the government. In some cases it would be the duty of the government, even if ministers foresaw that a jury would acquit, to throw that responsibility on the jury; and I have known instances in which, when the law-officers have, from the temper of the times, anticipated acquittals, I have signified to them the determination of the cabinet, that they must nevertheless prosecute. I do not say that such a case has now arisen; I am only arguing on the general principle: but I entreat the government to consider that principle, and ask itself seriously, if the time has not at length arrived when forbearance on their parts may produce greater evil than acquittal by a jury; whether it will not amount to a notification that the libeller may henceforth enjoy complete and systematic impunity. There is danger in the impression, that the more atrocious the libel, the more secure will it be from punishment, from an unwillingness to increase its publicity by prosecution. The part of the hon. and learned gentleman's speech which I heard with the deepest regret was, the avowal of that opinion, which was not necessarily extorted from him on the present occasion, and which, if it generally prevails in the king's councils, will be not only fatal to this government, but to the existence of all government. The doctrine which has been laid down by the hon. and learned gentleman is no other than this—that no man ought to be prosecuted for the publication

of his opinions, provided those opinions are sincere. Sir, I am sure that real and effective government cannot co-exist with the practical adoption of that doctrine. Sincere opinions! Who is to determine whether opinions are sincere or not? The hon. and learned gentleman said, in another part of his speech this evening, that he could not dive into the hearts of men—that he could not be a spy on their secret sentiments. True, but how, then, is he to know, when he meets with a libel full of sedition, whether the author of it be sincere in his opinions? Such a libel may be written by a man whose avowed object is confusion and anarchy, but who may be sincere in holding opinions which he knows will lead to the disorganization of society, and who will propagate them with the more zeal because he sincerely entertains them. But where is the test by which sincerity in opinions is to be tried? Is the mere avowal of sincerity to shield a libeller from prosecution? The sincerity of a man's opinions has nothing whatever to do with the policy or the justice of prosecution. The question is, whether the doctrines themselves are dangerous to the peace and happiness of society, and if they are so, it is the duty of the king's government to shield society from the consequences of the public propagation of those doctrines. The hon. and learned gentleman has announced a great latitude of opinion: with that opinion, so far as his mere personal capacity is concerned, I do not quarrel; but I complain, that the learned gentleman has assumed the robe of the Attorney-general for the purpose of paralysing the just authority of his office. It is the official station which he holds that makes his doctrines dangerous. Entertaining high respect for the learned gentleman's private character—entertaining, also, high respect for his consistency in public life, yet I cannot conceive how he is able to reconcile the sentiments which he now avows, with the duties which devolve on him as the king's Attorney-general. I would take the liberty of putting this question to him: I wish to ask him, what he thinks would have been the fate of the present government of France if that government had acted on the doctrine that the publication of any opinion whatever, provided only that it was sincere, ought to be permitted? Suppose the learned gentleman, on the establishment of the government of Louis Philippe, had been appointed that monarch's Attorney-general, would he have acted on the same principles as those which he now avows? or, if he had, would that government have withstood the reiterated attacks of the press? Does he mean to assert, that every sincere Carlist and every sincere Bonapartist ought to be allowed to assail with impunity the new government of France, and to encourage the people to open resistance? I will venture to say, that that government would not have existed for three months if it had pursued that course. But so far from attempting to act on that doctrine, the French ministry found it to be absolutely necessary, notwithstanding the extreme principles of liberality professed by that ministry, notwithstanding that M. Perier (the head of the ministry) had for many years been the determined opponent of the different governments of Charles X.—I say the French ministry considered it absolutely necessary for the salvation of the monarchy, to institute no less, I believe, than three or four hundred prosecutions against the press in one year. And yet surely these prosecutions cannot be attributed to any desire on the part of M. Perier to control the liberty of the press. The foundation of the present French government was laid in resistance to the illegal attempt of the former government to subdue the press. But M. Perier said, and wisely, in my judgment, "If these attempts are made, both by the revolutionists and the Carlists, to excite the public mind against us, we will not have recourse to illegal ordinances, but we will have recourse to the juries of the country and the laws of the land." And yet, all these opinions published in the French ultra papers, subversive of the government of Louis Philippe may be very sincere opinions. I do not doubt that the revolutionary papers are sincere, as well as the Carlist papers; but surely it is monstrous to contend, that sincerity in hostility ought to shield the enemies of a government from the enforcement of the ordinary law. The hon. and learned gentleman has given us an account of the manner in which he acted when sitting in the capacity of a Judge. He has told us, that he had before him a culprit charged with a most scandalous publication, revolting to the best feelings of nature—not merely calling in question the truths of religion, but calling them in question in a manner so indecent, that no rational being could listen to either the substance or form of the publication without the utmost indignation and disgust. Now I can well

understand that the hon. and learned gentleman might doubt the policy of prosecuting this man—the policy of bringing these doctrines under the notice of the public. But this is not what the hon. and learned gentleman said. He referred to the length of the man's imprisonment, and considered the sentence passed by himself, though warranted by law, to be morally unjust. He declares, that he felt uneasy during the continuance of the confinement of the man, and experienced great relief in his mind when the term of that imprisonment expired. The king's Attorney-general publicly avows, that he considers it morally unjust to bring before the public tribunals, and punish according to law, those who sincerely entertain and publish opinions offensive to religion, or dangerous to the existence of government. If this be so, I foresee the establishment of a more sordid and degrading tyranny than any to which society has ever yet been exposed. To tell us that there is impunity for any libel against religion or government, provided only that the opinion expressed is sincerely entertained—is, in other words, to tell us, that the grossest injuries may be committed—grosser than any inflicted by the confiscation of property—grosser even to a man of honour, than any that can threaten his life—and that every hope of redress is excluded. Sir, this is a novel, and, I believe, a most dangerous doctrine. The hon. and learned gentleman has referred to the early periods of his life, and has told us, that he derived from high authority those lessons of constitutional learning which he has observed in his subsequent course. But let me ask him, did Mr. Fox, Mr. Sheridan, or Lord Erskine, think that, because men sincerely held opinions, it was, therefore, perfectly safe to allow them to promulgate them without notice or prosecution? Does the learned gentleman recollect the libel of Mr. John Reeves against the two Houses of parliament? If not, I can inform him, that the persons then in opposition never sanctioned the doctrine, that because Mr. Reeves really entertained the opinion that the House of Lords and the House of Commons were branches which might be lopped off without injury to the monarchy, which was the trunk, he ought, therefore, to go unquestioned for giving publicity to such a doctrine. If I remember right, Mr. Sheridan made two motions on that subject; the one was, that the libel should be burnt by the common hangman, and the other was, that Mr. Reeves should be prosecuted by the Attorney-general. In vain did Mr. Reeves say, that he was sincere in his opinion; he was prosecuted at the instance of the learned gentleman's high authorities, and in spite of his sincerity! It is certainly true that the learned gentleman somewhat qualified his doctrine by saying, that the sincere opinions must not excite to acts of violence. But doctrines subversive of society may easily be propagated, which at the same time shall not incite to direct violence. For instance, it has very lately been maintained, that the time for putting an end to the discipline of the soldier has come. The men who entertain this opinion, publicly proclaim, that it is not the duty of the army to array itself on the side of the law; and shall such persons with safety be told, that they may publish this doctrine, and do what they can to induce the soldier to forget his duty, and violate his allegiance? Are we, too, to be told, that it is not the duty of the Attorney-general to stand forward and appeal to the laws of the country in such a case? I cannot but deeply lament when I hear such doctrines promulgated by those in authority. It is clear, that it is not merely the Reform Bill that we are engaged in passing. It is not merely this one experiment which we are going to make on the constitution of the country—an experiment which even its advocates say, though necessary, is dangerous. No; what I lament even more than the passing of the Reform Bill is, that when the public mind is excited, the government does not take measures, measures that are quite compatible with the success of reform, to allay the public fever, and assuage the hot-headed violence that is abroad. In the present state of the public press, the Attorney-general has expressed himself in a manner wholly uncalled for, and stated views and sentiments that in the Attorney-general cannot be otherwise than mischievous. He has stated, that it is painful to his conscience to sentence a notorious offender for a gross libel against religion, because that libel might by chance contain the offender's sincere opinions. By such expressions as these, he has tied his own hands, and will be incapable of instituting with effect any prosecutions that may hereafter be necessary. Let it not be supposed that I am bringing any charge against the learned gentleman for his official conduct heretofore. So far from it, I witnessed with pleasure his manly prosecutions of Mr. Carlile and Mr. Cobbett; though I cannot help

observing, that he did not then stop to enquire whether the libels which he prosecuted, contained the sincere opinions of those writers. No; he only enquired whether the libels were mischievous in their tendency. He enquired into their probable effect—he found they were calculated to encourage incendiarism, and he, therefore, prosecuted the authors. What was the result of those prosecutions? One was convicted. It is true the other escaped; but under what circumstances? “Eleven of the jury,” says the hon. and learned gentleman (though, by the way, I do not know how he got at that fact) “were for a conviction; but the twelfth, who was a friend of Mr. Cobbett’s, starved the eleven into acquiescing in his opinion.” But surely such an accident as this is no argument against future prosecutions; and to be deterred from prosecuting because, by accident, there has been one man on a jury able to control his fellows into an improper verdict, is to be deterred by a phantom which should not be allowed to terrify a manly mind. I cannot help hoping that the opinions expressed by the hon. and learned gentleman, have been expressed incautiously, and without mature deliberation. At all events I can assure him, that nothing would give me greater pleasure, than to learn that I have misunderstood what he said; for, in the present times, and in those which I foresee will succeed the present, I cannot conceive any opinion more dangerous to the government of the country than the doctrine, that a man may not only maintain, but propagate, any principles among the deluded and infuriated multitude, provided he sincerely entertains them.

Later in the evening,—

Sir Robert Peel said, I think that all who heard the hon. and learned gentleman will confirm me in my impression, that he laid down the doctrine that the sincerity of opinions was an apology for a libel, without any qualification whatever, excepting that the libel must not incite to actual violence. I certainly recognise a distinction between the new government of France and the ancient government of England; but no distinction that is available to the learned gentleman’s argument on the injustice of punishing sincere opinions; and I can see many circumstances, even in this ancient government, which may call for the active interference of the law for the purpose of repressing the too great licentiousness of the press.

The House then went into committee.

SLAVERY IN THE COLONIES.

MAY 24, 1832.

Mr. Fowell Buxton presented two petitions praying for the abolition of Slavery. The hon. gentleman, after dwelling at some length on the atrocious cruelties practised on the slaves in the West Indies, moved for the appointment of a Select Committee, to consider the best means that may be adopted for the purpose of effecting the extinction of Slavery throughout the British dominions, at the earliest period compatible with the safety of all classes in the colonies.

Mr. Macaulay supported the motion.

Sir ROBERT PEEL said, notwithstanding the eloquent speech of the hon. gentleman, and notwithstanding his sincerity in this cause, he had not touched any one of the points that constituted the real difficulties of the case. The hon. member admitted that we must not form our judgment from individual instances of cruelty or abuse, and he deeply regretted that so wise a precept was not uniformly acted upon; for he never heard a debate on that subject in which there was not an attempt made to rouse the passions of the audience by referring to individual cases. The hon. gentleman said, that the system of slavery was an abominable system, and that the gradual decrease of life among the blacks was a sufficient proof that slavery had a tendency to shorten the average duration of human existence. But, supposing these two points admitted, the hon. member must concede that, unless he was prepared with some rational plan by which this great evil could be abated, it was vain to indulge in general, though eloquent, denunciations against a mischief, the magnitude of which was not denied. Surely the events which had recently taken place in the West Indies—the insurrection scarcely yet suppressed in Jamaica—must

impress on the minds of all, the danger of laying down precise rules for the government of a people thousands of miles away from us, in ignorance of the events that may have occurred, and have rendered our rules utterly inapplicable to a new state of affairs. This consideration ought to impose on the House the duty of acting with the greatest caution and deliberation, in any thing that might interfere with the present relative position of the planters and the slaves. To excite the latter to resistance by incautious language and false hopes, and then to employ infantry and artillery, sweeping them from the face of the earth as rebels against the authority of the law, was an act of injustice, both to the whites and the blacks, even greater than the slavery which was so generally and justly deplored. The resolution now proposed might be liable to misconstruction, and produce the result to which he had alluded. Should that happen—should the slaves, deceived as to our intentions, refuse obedience to their masters—every one would admit, that the authority of the law must be vindicated, and that the government would have no alternative but the recourse to force to put down any sudden insurrection. Mercy towards the slave ought to plead powerfully against any proceeding pregnant with such consequences. He deeply lamented the course that the hon. member for Weymouth had taken, and that he did not sooner make up his mind as to the nature of his motion. The hon. member had given the House notice of the terms of his motion; and he, for one, came down to the House expecting that the hon. member would adhere to his own notice: the hon. member, however, had materially varied those terms, though, perhaps, he would not allow that the substance was altered. The resolution moved by him affirmed that it was the duty of the legislature to put an end to the existence of slavery throughout the possessions of Great Britain. But if the House once agreed to that position, without qualification, how could they hope to enforce the law during that period which must elapse before slavery could be practically and universally abolished? Was the hon. gentleman aware, that the course he was pursuing was precisely in conformity with that adopted by the National Convention of France? The Convention took a similar step for the purpose of inducing the slaves of St. Domingo to unite with the French forces in repelling the English. They decreed the extinction of slavery, but postponed indefinitely the consideration of the mode by which that extinction was to be effected. The coincidence between their plan and the resolution of the hon. gentleman, if it were accidental, was certainly very extraordinary. The hon. gentleman's resolution, according to the notice he had given, was—"That it is the duty of the British Legislature to put an end to the existence of slavery throughout the dominions of Great Britain; that a select committee be appointed to consider and report upon the safest and speediest mode of effecting the extinction of slavery throughout the British colonies." The resolution of the National Convention was as follows:—"The National Convention declares, that negro slavery, in all the colonies of France, is abolished. In consequence it declares, that all men, without distinction of colour, domiciled within those colonies, are French citizens, and capable of enjoying all the rights assigned by the constitution." That was the first resolution; the second was this—"It refers to the committee of public safety, to make an immediate report of the measures that ought to be taken to secure the speedy execution of this resolution." These resolutions bore date on the 5th February, 1794. The course pursued by the hon. member was precisely similar—he denounced slavery, and decreed its instant extinction as an imperative duty, but did not hint at the mode by which his principle was to be carried into effect. It was most important, before the debate proceeded, that the ministers should state to the House the course which they proposed to pursue. Every member must recollect the resolutions of 1823; and he apprehended that the country stood at present in this position as to the colonies:—the present ministry, since their accession to office, had framed certain orders in council, which they determined to enforce in the Crown colonies; and they had signified to those colonies which have independent legislative assemblies, that those orders in council must be accepted by them, without qualification, on the penalty of not being allowed to benefit by the reduction of the sugar duties about to be proposed. Up to the 14th of March, 1832, the House had every reason to presume that the government was determined to enforce this arrangement; and it was, therefore, important for the House to be apprised if there were any change in the intentions of government. If

the ministers adopted the resolutions of the hon. gentleman, that of itself necessarily superseded their former intentions. He had no desire to taunt the ministers with abandoning any declarations they might have made; and if they found the state of society in the West Indies such as to make it inexpedient for them to enforce their instructions, he trusted they would have the manliness to act on any new information they might have acquired, and not risk the safety of the colonies through feelings of false shame. Within the last two months, an important event had occurred, closely connected with the subject. A committee had been appointed in the House of Lords, with the concurrence of the king's government—"To enquire into the laws and usages of the several West India colonies, in relation to the slave population; the actual condition and treatment of the slaves, their habits and dispositions; the means which are adopted in the several colonies for their progressive improvement and civilisation, and the degree of improvement and civilisation which they have at present attained; and also to enquire into the distressed condition of those colonies." To adopt the hon. gentleman's resolution, therefore, would be as inconsistent with the appointment of the lords' committee, as with the ministerial orders in council. If the government had come to a conclusion that slavery ought to be forthwith extinguished, and if they saw the means of extinguishing it, consistently with the well-being of the slaves, the rights of colonial property, and the future safety of both classes of the West Indian community, he earnestly implored them to take the question into their own hands. There must be matters of detail requiring consideration, though the principle might appear to them so clear as to be irresistible. But, at all events, appoint no committee in pursuance of this resolution, for that would be, of all courses, the least calculated to effect any satisfactory adjustment. If the hon. gentleman's committee were fairly constituted, it must consist of partisans on both sides; and then what chance would there be of any amicable arrangement? In what mode the immediate extinction of slavery was to be accomplished, he did not see. How they were to secure the future well-being of all parties—how to provide for the future support of the blacks—what chance there was of immediately substituting free labour for slave labour—were all questions to which the most serious consideration must be given, before he could consent to affirm that slavery ought to be at once abolished. He repeated, that if the ministers saw any prospect of being able to extinguish slavery, they should take the question into their own hands. If they could bring forward a plan for the purpose next year, so short a delay would be of no consequence, compared to the chance of being able to effect so great an object, consistently with the well-being of all classes of society, and consistently with those rights of property which they were all determined to respect. If there were details not yet perfected—if there were enquiries still to be made—let them make such enquiries by means of Committees of their own body, or of the Privy council; but let them not adopt a resolution in favour of an abstract principle, without having considered any one of the details by which alone it could be carried into effect. The passing of such a resolution might lead to a misconstruction of the intentions of the government, both by the whites and by the blacks; might widen the gulf which at present existed between them; might make the slaves still more impatient of slavery; might, by the excitement of false hopes, encourage them to resistance, and leave us no alternative but again to put them down by physical force, and delay the time for giving them, with any prospect of safety or advantage, the blessing of freedom. He trusted that he had used no intemperate language; he had not spoken from any party or political considerations, or from a wish to throw the slightest impediment in the way of the ministers adopting that course, which would enable them to effect a satisfactory settlement of this most difficult question.

In reply to Lord Howick,—

Sir Robert Peel said, that the noble lord had taken an ungenerous advantage of his having spoken; and had made an attack which the noble lord well knew he had not the power, consistently with the forms of the House, to repel. He certainly did not expect that, in a discussion on the question of slavery, his conduct in 1827, and in 1829, in relation to the Catholics, should be brought before the House. The noble lord, without attacking him, had quite enough to do to defend the colonial policy of the government [*cries of "spoke!"*]. As the House would not allow him to enter into the subject, he would confine himself to explanation. He never had

objected to the order in council, but he had expressed his surprise that the noble lord, after being six months in office, should have publicly spoken of an order in council, which he said was not matured, but yet must be adopted to the letter by the independent legislature of each colony. He had never objected to the extinction of slavery, but he had said, that for the government to assent to resolutions that slavery ought to be abolished, without first providing the means by which they could be carried into effect, was likely to be productive of frightful calamities, which every man of humanity must shudder to contemplate.

Lord Althorp proposed as an amendment that there be added to the motion the following words, "And in conformity to the resolutions of this House of May 15, 1823."

Sir Robert Peel thought, that some words, implying that the interests of the planters should be protected, ought to be introduced into the resolution.

After some discussion, the House divided on Lord Althorp's amendment:—Ayes, 163; Noes, 90; majority, 73.

PARLIAMENTARY REFORM BILL (IRELAND).

MAY 25, 1832.

The order of the day having been read,—

Mr. Stanley moved the second reading of the Parliamentary Reform Bill for Ireland,—

Mr. Lefroy proposed as an amendment that the bill be read a second time that day six months.

Lord Castlereagh seconded the amendment.

Several members having taken part in the debate,—

SIR ROBERT PEEL said—Although he had opposed the English Reform Bill throughout, and might with perfect consistency oppose the Irish Reform Bill also, as tending to aggravate the general dangers and difficulties which he anticipated from the working of the English Reform Bill, yet it would be inconsistent with truth were he to say, that he had come to the conclusion he had formed without doubt and hesitation. He admitted the full force of the argument, that, having determined to abolish the system of nomination boroughs in England, it was the almost necessary consequence that nomination boroughs should cease to exist in Ireland. As far as the private interests of the individuals connected with these boroughs were concerned, he had not a word to say in favour of them; they must be governed by the principle adopted with respect to similar interests in the English nomination boroughs. So far as these boroughs were advantageous instruments in bringing forward persons of talent and ability—so far as they were advantageous in the practical administration of the government, by enabling persons to procure seats in the House, who were selected to fill high offices under the Crown, but who had not the means of effecting their return by appeals to popular favour—so far, no doubt, was the evil of their destruction aggravated, by the extinction of these boroughs in Ireland as well as in England. And yet, on the other hand, the anomaly of permitting their continued existence in Ireland, after the forfeiture of the franchise here, was too notorious to be denied for a moment. Having thus stated the apparent necessity for agreeing to the principle of the bill—if he hoped that, by going into this committee, his objections to many of the details were likely to be remedied—if he thought that any individual had a plan to propose in committee which would remove his objections to the measure as it at present stood, he might be content to reserve either his acquiescence in, or opposition to this bill, until the third reading; but his experience of the English Reform Bill left him no hope that any such course would be pursued. It was vain to conceal from himself the probability that, by dint of a majority similar to that which opposed all amendments in the English Reform Bill, similar amendments would be equally resisted with respect to the Irish Reform Bill. After mature deliberation, and a full consideration of the subject, the right hon. gentleman, the Secretary for Ireland, had given the House to understand, that the mind of his Majesty's government was

made up as to the principal details of this measure; and that, after eighteen months' consideration, this was the measure of reform they deliberately and advisedly proposed for Ireland. Without disguising the force of those considerations, which made it difficult to destroy nomination boroughs in England, and continue them in Ireland—difficult to apply reform to Scotland, and withhold it in Ireland—he still must reserve to himself the power of considering the effect which the adoption of this bill might have on the means of carrying on the government in Ireland, and on the state of those institutions in Ireland which it would necessarily affect. It was necessary to bear in mind the state of party in that country, its peculiar position with respect to the established religion, the unequal division of landed property, the circumstances under which the present distribution of that property had taken place—and then to determine whether the provisions of this bill were in harmony with the religious establishment, the tenure of property, and the existing institutions of Ireland. He feared that they were not; and yet this was a consideration at least as important as that to which he had before adverted, which appeared to require the application of the same principles of reform to Ireland as had been adopted in England. No man, proposing a new representative system, would think it wise to disregard the actual state of property and the actual constitution of society in the country for which it was intended. In the year 1791, when the French had to form a representative system for the first time, they resorted to certain ingenious devices, by which they might reconcile the influence to be acquired by numbers, with the influence which ought to be exercised by property. They established a different system to that which had formerly existed, and gave to property what they considered its just weight in the representative system. If this bill passed, there could be no hope that property or the Protestant interest in Ireland would be adequately and fully represented. The learned gentleman, the member for Kerry, said it was his object that property should be fairly represented, exemplifying what he meant by a just and liberal remark—Lord Enniskillen lives near such a place, and God forbid that he should not influence, in a certain degree, the return for that place. He is a good landlord and kind man, said the learned gentleman; he spends his property in that part of the country from which it is drawn, and ought certainly to have an influence in the return for a neighbouring borough, not by direct nomination, but by the indirect influence of property. This was exactly what he (Sir Robert Peel) and his party had always contended for; but they had invariably been met by being told that Peers ought to have no concern in elections, and being reminded of the resolution which this House passed at the commencement of every session, condemnatory of the interference of Peers. He had always contended, that that resolution was never meant to exclude the exercise of that indirect influence which a Peer must acquire from the possession of property. On the other side it was maintained, that it was meant to exclude altogether both the direct and indirect influence of a Peer in elections. If the learned gentleman's doctrine was correct in the particular case of Lord Enniskillen, must it not also be correct in the instance of all other Peers? The state of the representation of Ireland was incidentally explained by the learned gentleman. He said he had been returned for three counties in Ireland; that was to say, that by the adoption of a political course which had made him popular, he had had such an influence in those three counties as to have been returned by each. Now certainly the learned gentleman had not been returned for any one of those counties through the influence of property; the very circumstance that he mentioned—namely, that in three counties he had been enabled entirely to overrule the influence of property: and, to effect his return in direct opposition to the influence of property, showed that property had not its due weight in determining the county elections of Ireland. He knew, that the evil of which he was speaking arose under the present system; that the objection he was making, if valid, applied, not to the Reform Bill, but to the present state of the law of elections. But the question was, would not the Reform Bill aggravate the evil, and increase the force of the objection? Would it not give new and additional strength to those influences which were, even at present, sufficient to overbear the influence of property? It was no argument in favour of a change to allege that the present system had its dangers, if the tendency of the change was to multiply those dangers. In his opinion, the operation of this bill would exclude the influence of property, and give additional weight to numbers.

Was it his fault that he was alarmed at a measure which gave greater weight to the popular voice? Was it his fault, that he was unwilling to put instruments in the hands of those who avowed, fairly and candidly, that reform was not their object, but that they had other ends in view? The learned member for Kerry—a man who it would be vain to deny exercised more influence than any other individual in Ireland—the learned member for Kerry said, that with this reform he never could, and never would be satisfied; that even reform, pushed to a much wider extent than the present, would not content him. No, within this month he had placed upon record his unaltered and unalterable opinion, that Ireland never could prosper except by a repeal of the union—not, indeed, by a total dissolution of the connexion between the two countries, but by a repeal of the legislative union. If the learned gentleman said, “With the measure of reform that is proposed we will be satisfied, because it gives to Ireland a fair influence in the representative body,” there might be some reason for assenting to this bill; but when he said, “Give me that measure, not as the end I look for, but as the means by which I can proceed towards the attainment of another object,” the learned gentleman afforded one of the strongest arguments that could be advanced against the bill. If he really and sincerely believed that that other object, the repeal of the union, was essential to the prosperity and well-being of Ireland, he would be an advocate for it; but he saw no prospect whatever of security for this country, no prospect of peace or prosperity to Ireland, in the dissolution of that legislative union which now connected the two countries. The desire of obtaining the repeal of that union made the hon. and learned gentleman so anxious for reform; and the dread of the consequences of its repeal made him unwilling to increase an influence which was to be directed with all its energies to that as the paramount object. The learned gentleman said, that if the English House of Commons were to reject this bill, the consequence would be the election of an independent domestic parliament in Ireland within six months. The hon. gentleman who spoke last said, that the House had nothing to do on this occasion with the question of the repeal of the union. But, could it be denied that that question was an essential element of consideration on this occasion, when they were told that this Reform Bill could not be a permanent arrangement, but that it was only useful as leading to the establishment of a domestic legislature in Ireland? The hon. gentleman who preceded him felt so many difficulties with respect to the repeal of the union, that he suggested a measure intended to solve those difficulties, which certainly appeared ten thousand times worse than the re-establishment even of the old Irish Parliament. He would have, it appeared, two domestic parliaments, one to sit in England, the other in Ireland, which should meet respectively in October in each year, for the purpose of settling the domestic concerns of the two countries; and which, at a later period, were to form, by their union, an Imperial Parliament, for the purpose of treating upon all those subjects in which legislation for the empire generally may be said to consist. Was ever project so absurd? How would it be possible to have two parliaments in England, with different degrees of authority, and meeting for different purposes? How could there be an Irish Parliament, tied up against the discussion of any but merely domestic concerns? What constituted domestic concerns? Did they include the national force—the public debt—the public revenue? If they did not, where was the use of a separate parliament? and if they did, where was the limitation on its powers? What would be the consequence of such a proceeding? Nothing but eternal discord and confusion. Let it not be supposed, after thirty years of union, that you could replace matters as they stood before that union. Bad as they were then, they would become tenfold worse in case of its repeal. Suppose the learned gentleman could carry his plan into execution, and again re-establish a domestic parliament, did he think that any such measure could tend to the peace and prosperity of the empire? The first question to be settled in such a case would be the apportionment of the debt between the two countries; because, if the Irish Parliament were to exercise a power of taxation, as an independent parliament, it would be necessary, in the first instance, to determine what portion of the debt should be borne by England, and what portion should be sustained by Ireland. If Ireland took her just portion of the debt, in consequence of an adjustment between the two countries, did the learned gentleman think that the taxation which would necessarily

be imposed upon the people of Ireland, to defray the interest of that portion, would be for the advantage of that country? How many other questions of separate interest would arise, calculated to provoke the jealousies and conflicts of independent national legislatures! It was said that the manufactures of Ireland were depressed by the competition of England, and that a domestic parliament would give redress. What, then, were they to run the race of protecting duties and prohibitions? Was Ireland to interdict the import of cotton goods, and England to retaliate by high duties on Irish corn? He questioned not the motives of the hon. and learned gentleman, but, if he succeeded in his plan, instead of being the friend of his country, he would prove himself her very worst enemy. Differing thus completely from the learned gentleman as to the ultimate measures to which the learned gentleman looked, it followed, as a natural consequence, that he should object to furnish the learned gentleman with the means of attaining the objects he had in view. By what means did the learned gentleman propose to carry the measure which would be entirely destructive of the legislative union? The people of Ireland, said the learned gentleman, will never rest until they obtain it. If Ireland were never to be at peace—if she were to be involved in perpetual agitation—if there were to be clubs in every town and every county—if Irish interests were to be opposed to the English on every occasion, it was impossible to deny, that such a system of agitation might ultimately prevail, and, by disgusting each country with the other, end in a dissolution of the union between them. But why were these interests constantly to be brought before the House as the interests of rival and hostile nations? were they never to lose sight of the distinguishing terms of Protestant and Catholic—never to be at liberty to consider themselves as loyal subjects of the same king, without reference to their religious creeds? The hon. gentleman who spoke just now said, “Give us the same laws in Ireland as you have in England.” This was his complaint—the two countries are under different laws. Now, he begged to ask, in reply—where the difference did exist—was it a difference in favour of England? Would the hon. gentleman be content to abide by the contract, and have all the laws of England? Would he have the same amount of taxation in the two countries? The hon. gentleman wished to dry up the ocean that divided us; and he told us to look at the friendly and amicable situation in which France and Spain had been placed since they overcame the barrier established by the Pyrenees. The wish of the learned member for Kerry, however, from whom the hon. gentleman did not express his dissent, was, not to dry up the ocean, but, by a repeal of the legislative union, to oppose a new, an artificial, and an insurmountable, obstacle to the connection between the two countries. The hon. gentleman said, Give us the same laws as in England; but what course did that hon. gentleman take upon the law with respect to tithes? Did he propose to place Ireland under the English tithe law? Far from it; his wish was not for identity of tithe law in the two countries, but for no tithe law in Ireland. What became of his complaint, that the laws were not the same, when he himself was labouring to establish, both in respect to taxation and to tithe, and to twenty other matters, the justice and the necessity of different laws for the two branches of the empire? It was said that reform could not endanger the Protestant religion—that the existence of that religion did not depend upon the nomination boroughs; but a reform that would introduce into that House a vast majority of representatives with views hostile to that church, would endanger the church. The right hon. gentleman, the Secretary for Ireland, asked, Why should the Church of Ireland be under any alarm? and he had scarcely put that question when, by a somewhat singular coincidence, two gentlemen from the House of Lords came to the table with an act to which the House of Lords had given their assent, entitled “A bill to facilitate the recovery of tithes in certain cases in Ireland, and for the relief of the clergy of the Established Church.” The preamble of the bill was to this effect:—“Whereas, a combination against the payment of tithe has for some time existed in certain parts of Ireland, and the ordinary remedies provided by law for the recovery thereof have been evaded and defeated; and whereas a great number of the clergy have been, in consequence, reduced to a condition of great distress, by being deprived of their legal maintenance.” Why, when they were passing bills with such preambles, could the right hon. gentleman be very much surprised that the Church of Ireland considered itself in danger?

When the laws were defeated by illegal combinations—when members returned by the popular voice in Ireland denounced the Church of Ireland as a nuisance—could he be surprised that that church viewed a measure like the present with peculiar sensitiveness and anxiety? The learned gentleman (Mr. O'Connell) said, "I am not an enemy to the Protestant religion—I never declared myself an enemy to the Protestant Church;" but he added, "though I have not declared myself an enemy to the religion, or to the church, still I am a decided enemy to the property of the church." The learned gentleman said, that religion might exist without such a provision for its support. That the Church, the Established Church of the empire, that Church which pleaded the prescription of 300 years in favour of the possession of its property—that that Church was to consent to a measure which would deprive it of a portion of its legal subsistence, was a proposition which might be reconcilable to the sense of justice of the hon. gentleman, but which it would be some time before the Church of Ireland could be brought to understand, or which it would submit to without remonstrating against it as an act of the grossest injustice. With regard to the Catholic Relief Bill, and its applicability to Ireland, he heard one hon. gentleman lament that it had not produced the consequences that were anticipated; and he had been asked, whether his opinion was not changed as to the policy of the removal of the Catholic disabilities. He might lament that all the consequences anticipated from the removal of those disabilities had not been realized; he might lament, and deeply, too, that he had been disappointed as to the course which some persons had pursued; but he was bound to say, that he never could think that it would have been for the advantage of Ireland, or for the interests of the Protestant religion, that the Catholic question should have remained still unsettled, and that this cause of excitement and agitation should have been added to the others which were disturbing the peace and happiness of Ireland. If he had, with a knowledge of all that had passed, to act that part over again, and if it were possible for him to foresee all that had occurred since the passing of that act, not only in Ireland, but in other countries in Europe, he did not hesitate to say, that his opinion of the expediency of settling the question at the time it was settled would be confirmed. At the same time he must say, he did not think that the question would have been settled, if it had been foreseen that such a measure as this Irish Reform Bill was to follow within the period of three years. Changes were then made in the representative system of Ireland, which were put forward as motives for conceding the removal of the Catholic disabilities; and if the people of this country could have known at that time, that in the course of three years the changes to which he referred would be rendered of non-effect by a Reform Bill, the difficulties in the way of the removal of the Catholic disabilities would have been insuperable. When the priesthood of Ireland exercised such overpowering influence over the 40s. freeholders, many persons were induced to consent to the Relief Bill, because it was accompanied by a measure for the reduction of that unjust influence which the 40s. franchise conferred. At that time a great experiment in government was attempted; for the removal of the disabilities of the Catholics was in itself a moral and political revolution; and it would have been of immense importance to have permitted that measure to have a fair trial, without a second experiment which would tend to retard its success, and which would discourage the people of this country from acquiescing in future in any measure to which they have a repugnance. They would find by experience, not only that that measure was not a final one, but that the concurrent measure by which it was accompanied, and which induced them to consent to it, was to be altogether changed by a proceeding entered into three years afterwards. On these grounds, then, he must record by his vote his dissent from this bill. He thought its provisions not in harmony with the institutions either of religion or of property in the country to which they were to be applied; that their tendency was to increase an influence hostile to the Established Church, and to the union between the two countries—and that their adoption at the present time was inconsistent, if not with a compact, at least with an understanding, that the settlement made in 1829 was not to be disturbed. For these reasons, he must refuse to be a party to the responsibility of adopting this measure, if no material alteration was to be made in it: and being assured that no such alteration was in contemplation, or would be favourably com-

sidered, he knew of no better opportunity than the present of giving his vote against the bill.

Mr. Stanley having replied, the House divided on the original motion:—Ayes, 246; Noes, 130; Majority 116.

ABOLITION OF CAPITAL PUNISHMENTS.

MAY 30, 1832.

On the motion of Mr. Ewart, the House went into Committee on the Bill for abolishing capital punishments in certain cases.

SIR ROBERT PEEL, to a certain extent, agreed in the principle of the bill; he was, at the same time, bound to say, with respect to one particular offence, from which the punishment of death was removed by this bill, that he apprehended great evil might possibly arise from such a provision; he alluded to the offence of stealing in a dwelling-house, which stood on a very different footing from other offences enumerated in the bill. There was a wide distinction between stealing in a dwelling-house, and stealing cattle. In the latter case, he had ever been an advocate for modifying the severity of the law. At the same time, his view had always been, that such a modification, to be effectual and permanent, should be gradual; the country then became reconciled to it, and the legislature was enabled to judge of the effect of mitigation by cautious and safe experiments. He was by no means decided as to the policy of an immediate and absolute remission of capital punishment in the case of horse-stealing. That offence stood on different grounds from the offence of cattle-stealing. The moral guilt, indeed, was the same; but the inducements to the commission of the two offences did materially differ. In the case of the horse, the property was frequently more valuable, the protection less, and the chance of detection smaller; not only because the animal stolen offered the means of escape, but because, from the demand for horses in foreign countries—the facilities of exportation were at hand. However, if the House was of opinion that the punishment of death was too heavy for horse-stealing, he should not press any doubts that he might entertain upon the subject. It was impossible to deny that, in every case of an experiment in legal enactments, the result might turn out to be very different from what general expectation supposed it would be. Take the case of the game bill. He was as fully convinced as any one else that the time had arrived when the experiment should be made; but that experiment had not, he feared, proved satisfactory. To be sure, in consequence of the recent passing of the act, an encouragement might have been given to poaching, which would soon diminish, and perhaps sufficient time had not yet elapsed to justify a comparison of the state of crime under the new law with the state of it under the old. There appeared, however, reason to doubt whether the legalizing of the sale of game would have the effect in diminishing poaching, which it was expected and intended to have. With respect to taking away the punishment of death for stealing in a dwelling-house above £5, he was apprehensive that that might prove a dangerous experiment, and that the removal of the capital punishment might hold out a temptation to offenders. It should be remembered, that this was sometimes a very aggravated crime, accompanied with gross breach of trust, especially in such a city as London, where property to an enormous amount was frequently left in the care of servants. Such a case as this, for instance, might possibly arise—a gang of robbers might be admitted into a house, through the privy of a servant; they might be prepared for the commission of acts of the greatest violence (though, by accident, none might take place), and yet, as there was no burglarious entry of the house, whatever might be the amount of property stolen, the lives of the guilty parties would not be hazarded. For his own part, he could hardly conceive a more serious offence than that which he had described; and, when he considered the facility with which crime was committed in the metropolis, he must say, that he looked upon this as a most dangerous experiment. He therefore trusted that hon. gentlemen would reserve for themselves the power of making an alteration in the bill, if it should be deemed proper.

In reply to the Attorney-general,—

government. He wished to know, therefore, whether ~~our~~ ^{the} state ~~can~~ ^{can} ~~intention~~ of bringing forward some measure of the kind without feeling a strong desire to ~~to such a measure~~ ^{to such a measure} ~~from~~ ^{from} ~~proceed~~ ^{proceed} ~~with~~ ^{with} criminal prosecutions: but he must confess that he had found the greatest difficulties in the way of such general improvement. In looking at the state of the criminal law in Scotland, he had always considered that both the theory and the practice of it had much to recommend them; but then, again, the difficulty of introducing the customs of another country into this would be very great; so that it did not follow, even though it was conceded that the system was better in Scotland than in England, that it admitted of adaptation to the latter country. In Scotland there was this great advantage—that there was a public prosecutor, or, in other words, a person who never acted from feelings of anger or irritation—who never prosecuted vaguely or lightly, or allowed a person charged to escape through favour or partiality, or the unwillingness to incur the trouble and expense of prosecution. In this country, on the other hand, persons were generally disinclined to prosecute: when a man was robbed, his first impulse was probably to punish the offender; but, after three or four days' reflection, he began to weigh the cost of prosecution, both in money and time, and speedily came to the conclusion, that to exert himself for the purpose of convicting the culprit would be (to adopt a vulgar saying) throwing good money after bad; and the consequence was, that there were few men so public-spirited as willingly to undertake the vindication of the law. Surely that was a defective system which threw upon an individual, already aggrieved by the loss of property, the serious additional expense of making a public example of the thief. With respect to another branch of the subject, it was impossible to deny, that our state of secondary punishment was most inefficient. But, though it was very easy to make that assertion, it was, on the other hand, very difficult to introduce a more effective system. In the first place, he could not admit that the fear of death had no effect on the mind of a man about to commit an offence; it surely had, at least, as much effect in deterring him from the crime as it could have in deterring an aggrieved party from prosecution. But in what did the secondary punishments of this country consist? In imprisonment, and in transportation. Now, take the case of Fauntleroy, for instance. Would his case have been adequately met by either of these punishments? Supposing he had been imprisoned, and supposing he had contrived to retain (which was extremely likely) a large portion of his ill-gotten property, it would have been difficult to prevent the application of it, in some way or other, to his advantage. If he was visited with more than ordinary severity, and he conducted himself plausibly, he would become an object of public sympathy, and of constant solicitation in his favour. If, on the other hand, he had been sent to New South Wales, could he have been subjected there to any degrading species of servitude? Would it not have revolted public feeling to see a man of talent and education filling a menial office? The immediate spectacle of inflictions so unsuitable to the previous habits and acquirements of an offender soon awakens a sympathy, which is more powerful than the feeling of resentment at his crime, or even than the sense of the abstract justice of the punishment. With respect to the proper punishment for stealing in a dwelling-house, he must again take an opportunity of saying, that, in his opinion, the legislature ought to take the matter most seriously into its consideration before it consented to abolish the punishment of death in all cases coming under this head. Supposing a servant opened his master's door to a gang of thieves, and £3,000 or £4,000 worth of property was stolen; was not that a most serious case? If the same robbery were committed by means of a burglary, it would subject the offender to capital punishment; was not the moral guilt at least as great in the case which he supposed, wherein there was a gross breach of trust; and was not the danger to society at least equal? The hon. and learned gentleman had put the case of a man stealing a great-coat: that that offence should be punished with death, was certainly very revolting; and he, for one, would give his ready consent to such an alteration of the law as would preclude the possibility of such an infliction. But this bill went much further; it attempted no distinction, but exempted, without qualification, the crime of stealing in a dwelling-house, however aggravated, from the punishment of death. From his experience of the state of crime in London, of the desperate characters it contained, and of the inefficiency of secondary punishment, as at present administered, he certainly must confess, that he viewed this alteration

nothing, with apprehension. He (Sir R. Peel) had no hesitation in saying, that if punishment, at least for the most ~~aggravated~~ ~~in opposing the bill~~ ~~was less than the probable evil of encouraging desperate offenders~~ ~~of a very serious crime, by the assurance of complete indemnity so far as their lives were concerned.~~

Several clauses were agreed to, and the House resumed.

INTERFERENCE IN THE AFFAIRS OF PORTUGAL.

JUNE 1, 1832.

In the course of a conversation arising out of some questions put by Sir R. Vyvyan to Viscount Palmerston on this subject,—

SIR ROBERT PEEL said, I wish to put one question to my noble friend, which I trust he will have no objection to answer, as the House is already in possession of most of the information which government can afford on the subject. In the month of April, 1831, a demand for compensation was made on the Portuguese government, for certain grievances and losses alleged to have been suffered by British subjects; the correspondence on which subject is already before the House. I now wish to know whether the government has made any fresh demands upon Portugal on account of similar losses and grievances, the dates of which are prior to the month of April, 1831?

Viscount Palmerston: It is true, that a few months ago a further representation to the Portuguese government was made on account of some individual claims, some of which were made previously to April, 1831.

Sir Robert Peel: I am aware that when there is a question of Breach of Privilege before the House, it is very inconvenient to enter into discussions on questions; but, I must say, that I think my noble friend ought to take an opportunity of explaining to the House, how it happens, that when a demand was made on Portugal for pecuniary compensation—a demand which apparently contained the whole of the British claims up to that date—the government should choose the present opportunity, pregnant as it is with embarrassing circumstances to the reigning prince of Portugal, for making a fresh demand for claims, really anterior to the date of the former demand. Such a course appears to me to be utterly inconsistent with that neutrality which my noble friend professes, unless he can show that the circumstances under which the present demand is made, were not within the cognizance of the government at the time of the last demand.

Viscount Palmerston having explained,—

Sir Robert Peel admitted that it was not expressly asserted, that the whole of the British claims were put forward in April, 1831; but, if he remembered right, the communication from the British government to the Portuguese government contained some such expression as this—that the Portuguese government having refused to make reparation for certain losses incurred by British subjects, his Majesty's government had come to the determination of making the following demand: therefore, must say, that though this was not a direct ultimatum, it was something very like an implied one.

The subject then dropped.

MUNICIPAL POLICE.

JUNE 4, 1832.

SIR ROBERT PEEL hoped the noble Lord (Althorp) would allow him to call his attention to a subject of much importance, on which, from the situation he had held, he felt much interest. A considerable time back, a recommendation from the Crown had directed the attention of the House to the establishment of municipal police through the country, and the House had pledged itself that it would take the subject into consideration. Since that time, no measure relating to it had been proposed by

government. He wished to know, therefore, whether government had any intention of bringing forward some measure of the kind, or whether, finding an obstruction to such a measure from local causes, they had abandoned the idea altogether? It was very desirable to know whether they had abandoned the matter, because, in that case, many parts of the country would be disposed to take such steps as would supply the deficiency, and establish a police of their own.

Lord Althorp stated, that he could not pledge himself to introduce any measure on the subject during the present session.

Sir Robert Peel thought that the city had the power to make any alterations in its police without the necessity of any legislative measure. His question had no relation to the city of London, but rather to those places in the country which would take steps for establishing local police, if they understood that no general measure on that subject were intended.

PARLIAMENTARY REFORM.

JUNE 4, 1832.

The Speaker announced that the Parliamentary Reform Bill for England had received the sanction of the House of Lords, with certain amendments.

Lord Althorp moved, "That the House take into consideration the Lords' amendments to the Reform Bill on the next day, and that the amendments be printed."

The motion was agreed to.

JUNE 5, 1832.

Lord John Russell moved the Order of the day for taking into consideration the Lords' amendments to the Parliamentary Reform Bill for England.

The noble lord, after explaining the amendments, had great pleasure in stating that none of those benefits which the bill was intended to effect, would be in any degree diminished or impaired by what had taken place since the bill had left that House.

Sir Edward Sugden and Lord Althorp having addressed the House,—

SIR ROBERT PEELE said, that the question before the House being, whether they should assent to certain amendments introduced by the House of Lords into the Reform Bill, he, without hesitation, would declare that he was ready to give his assent to them; nay, more, that if they had been proposed for his adoption last night, without even being printed, he should have been ready to signify his acquiescence; for he was one of those who thought, that it would be a mere mockery to consider the value of amendments made by a body which was not in the exercise of its independent constitutional powers. Under other circumstances, as these amendments extended to five or six pages, and as they related to the most important act that had been passed during the last century, he might have been inclined to ask for some days to consider them; yet, when he called to mind that they were amendments made by the House of Lords under menace and compulsion, he cared not on what day, or how soon, he should be invited to agree to them. They were mere amendments of detail permitted by the ministers, and not amendments reflecting the real opinions and independent judgment of the House of Lords. The noble lord had gravely congratulated the House upon the well-known fact, that the essential principles of the bill had not been altered by those amendments, and surely he might have spared this taunt upon the other House of Parliament. Who ever dreamed that those amendments had been introduced by a House of Lords in full possession of its legislative and deliberative powers? Was it not notorious that threats were held out to them—was it not notorious that they were menaced by a new creation of Peers, unless they passed this measure without any alteration of its essential principles? The noble lord had acknowledged that a creation of Peers had been intended for the purpose of carrying the whole bill, and he had justified the exercise of the prerogative, if it had been found necessary, by a reference to the circumstances of the country. But did not the noble lord's admission prove, that the House of Lords had passed the Reform Bill under circumstances, and in a state

nothing short of compulsion? He (Sir R. Peel) had no hesitation in saying, that if he had been a Peer, he would have persisted in opposing the bill, perfectly uninfluenced by the consideration whether such a course of proceeding might possibly lead to the creation of sixty or a hundred Peers. He would rather have forced the government into the unconstitutional exercise of power than have refrained from giving his opposition to the Reform Bill. He was ready to admit, however, that after what had taken place,—that after the failure of his Majesty to form an administration, and after the situation in which his Majesty and the country were placed—he was ready to admit, he repeated, that, under such circumstances, he considered the case as altered, and that he did not think that the slightest reflection could be cast upon men who, in such a position of affairs, and swayed by the most honourable motives, had abstained from the exercise of their legislative functions, in order to rescue the king from a dilemma in which no sovereign in this country had ever before been placed. The noble lord had referred to the circumstances under which the passing of this act was about to take place, and he had stated that it was essential to the tranquillity and welfare of the country. Now, admitting for a moment the noble lord's proposition—allowing that the country had been wrought up into such a state of excitement that no safe alternative was left them but to pass this bill—still he would say, that the government were themselves to blame for the necessity which thus left no choice, no discretion to the legislature. The whole tenor of the conduct of his Majesty's government since this bill had been introduced, their studious efforts to fan, rather than to assuage, the flame of excitement which the mere production of such a measure was certain to create, had involved them in their present difficulty. He was ready to admit, that it would be hardly fair to make the government responsible for the imprudent acts of any individual. The noble lord had admitted, that he was personally acquainted with one that had been named in this debate (Colonel Jones), but claimed a right to be exempted from any responsibility on account of his acts or sentiments. He could not deny such a right on the part of the noble lord; but this he would tell him, that the acts performed, and the sentiments avowed by the members of the government themselves, were calculated to add to the excitement which prevailed; and for these, and not for the violence of others, did he hold the government responsible. The noble lord (Lord Althorp) must recollect the declaration which he himself made at a period when this country was agitated from one end to the other—the noble lord must recollect, that at such a period, he, being one of the ministers of the Crown, took upon himself to justify the exhibition of the tri-colored flag, even under the eyes of the Sovereign [hear, hear]. Some hon. gentlemen behind the noble lord might cheer that sentiment, and consider the expression of it creditable to the noble lord; but he would assert, that a sentiment of the kind should never have been uttered by a responsible minister of the Crown, who was anxious to soothe the violence of an inflamed populace. He believed that it was afterwards admitted by some of the noble lord's friends that it was a hasty declaration; but he did not think that the noble lord was less responsible for the utterance of it. Declarations equally dangerous to the public peace had been made by the noble lord, the member for Devonshire. [Lord John Russell here observed that he had not advised the refusal to pay taxes.] The noble lord entirely mistook him. He never meant to impute to the noble lord a participation in the abominable doctrine, that a subject of the king, upon his own sense of existing grievances or imaginary wrongs, was justified in refusing the payment of taxes. What he meant to refer to was, a letter of the noble lord's which had been published, in which the opposition of the House of Lords to the Reform Bill was characterised as the "whisper of a faction." When expressions such as these, with reference to the House of Peers, fell from persons filling the situations of ministers of the Crown, what other purpose could they serve but to add to the excitement that already existed, and to lead to the destruction of the independent councils of that branch of the legislature? It certainly was not just to make individuals of a party responsible for all the violent declarations of the journals which espoused their principles or advocated their views; but, on the other hand, if they found one newspaper in the constant habit of publishing matters that could only come from persons in official situations, and afterwards promulgating sentiments of the most revolting nature, calculated to excite a desperate mob to the assassination of those

who were opposed to them in political opinions—the public could not easily discriminate—they saw the prompters to violence on one day, made the chosen organs of the government on the next—and inferred that while such a connection existed, the government did not heartily and effectually condemn the atrocious language to which he referred. The acts of his Majesty's ministers, the declarations which they had made, and the conduct which they had so unwisely, and, for the country, so unfortunately, pursued—these were the things which had brought us to the present pass, and for which his Majesty's government were held justly responsible. He viewed with the utmost anxiety and apprehension the passing this bill. He might admit, that there was no other alternative now left to them but to pass it—he might admit that the House of Lords had no other means of escaping from the annihilation of their independence, but to withdraw their opposition from the bill; but they might depend upon it, that the passing of this measure, in the manner in which it would pass, would form a fatal precedent, one to which his Majesty's government might again and again recur for the purpose of procuring assent to other measures, which, in obedience to the popular clamour, they might bring forward. Whenever the government came to deal with the corn-laws, or other questions calculated to excite the feelings and to inflame the passions of the people, the precedent furnished by the present occasion would be appealed to; and if they should be placed in similar circumstances of difficulty and excitement, the necessity of restoring tranquillity would be made a plea for menacing, and, if necessary, for destroying the independence of the House of Lords. He could not avoid again referring to the sentiments which the noble lord opposite (Lord Milton) was understood to have avowed on a recent occasion. That noble lord, it was said, had stated, that if his Majesty formed any other government than the present, or if he refused to give the royal assent to the Reform Bill, he (Lord Milton) would refuse to pay the taxes. How could they expect obedience to the laws if such were the doctrines promulgated by persons in high stations? Would the poorer classes of society quietly submit to the payment of their taxes, if the noble lord, who was blessed with an affluence which they did not possess, should refuse to pay those to which he was subject? Upon what grounds, or by what right, would he enforce the payment of tithes, or rates, or rent, if his was the true doctrine—that men on their own view of public grievances were justified in resisting the authority of law? He (Sir Robert Peel) knew not how any regular government could be maintained, if persons filling the situation in society of the noble lord—the supporters and the friends of the government—should set an example, which evidently tended to a dissolution of the bonds of society, and to the destruction of all law and all social order. How, he repeated, could government exist, if each individual, following the example of the noble lord, was to constitute his own feelings and passions, and not the law, as the rule of his conduct, and make himself the sole judge of the policy and duty of obedience to his sovereign? He had already said, that he looked with apprehension to the consequences to be expected from the passing of this measure. At the same time, no man in the country would more desire to see the failure of his own predictions, and no man would do more to prevent, if possible, their accomplishment. They were now upon the eve of that which the noble lord (lord Althorp) and his right hon. colleague (Mr. Stanley) had acknowledged to be a perilous experiment. That was the expression used by the right hon. gentleman, and, in his opinion, most correctly used. Under such circumstances, he thought it the duty of all persons, and more especially of those connected with the executive government, to diminish as much as possible the admitted peril of the experiment; and, as much would depend upon the issue of the first general election, he did hope that a dissolution would not take place without the passing of those precautionary measures by which even the authors of the Reform Bill declared that it ought to be accompanied. He was aware that there was a clause in the bill, giving the government the power of dissolving the parliament without waiting for the passing of the boundary bills, or the completion of the registry. He apprehended, however, that that clause was assented to by the House of Commons upon the express assurance of his Majesty's government, that it was meant to meet, not a practical, but a theoretical difficulty; not a probable, but a barely possible occurrence. The clause had been proposed and passed for

the single purpose of guarding against an embarrassment which might arise in the event of a demise of the Crown before the assembly of the new parliament. He did not believe, therefore, that the King's government contemplated a measure, than which, he would say, a greater fraud could not be committed on the parliament, namely, a dissolution, under the present circumstances, without the passing of the boundary bill and the completion of the registry. It was only on the understanding that the boundary bills would be passed previous to a dissolution, that the clause he had referred to had been inserted in the bill. If a dissolution were now resorted to, and if the persons possessed of the new right of voting should be allowed to exercise it without the check of registration, the greatest calamity would be inflicted on the country; for he would again repeat, that the character of our future measures would mainly depend upon the result of the first general election. He was sure that on that side of the House no unnecessary delay or obstruction would be thrown in the way of the passing of the boundary bills. Let the noble lord opposite take what course he should think most expedient to facilitate their passing, and he (Sir Robert Peel) would promise him that no vexatious impediment should be offered. As the present was a self-condemned parliament, it was not likely that it would ever again meet for the transaction of public business; and, as soon as the preparatory measures were completed, a dissolution would follow as a matter of course. At the same time he hoped there would be an interval in which the present excited feeling might give place to more sober views. He heard with regret the declaration last night made by the hon. member for Middlesex, who, though he formerly told them that this was to be a final measure, then said that he did not care whether the amount of qualification were fixed at £10 or £5, as he was sure, after the passing of this measure, to be able to insist on the latter as the limit. Taking that declaration as an index of present temper, he thought that time should be afforded for abating the passions and cooling the excitement of the people. What man, he would ask, interested in the well-being of the country, could advocate the existence of these political associations, whose avowed object was, to control the right of voting? He understood that there was no intention on the part of the government to interfere with these political unions; but they expressed their confident hope that the good sense of the people would ensure their suppression. But if the political unions made their sittings permanent, if they obtained the control over the right of voting conferred by the bill—whatever hon. gentlemen might think of the form of government under which we had been living for the last fifty years, in his opinion there had been no grievance heretofore sustained half so intolerable as the domination which was to come. He hoped that his Majesty's government were justified in the confidence which they placed in the good sense of the people of England; but, if they were disappointed in their expectations, he hoped they would then have confidence in the good sense of the legislature, and in the strength of the constitutional power to vindicate the authority of the law, and would rescue them from the wretched and degraded tyranny under which they would otherwise be compelled to live. By the King's Speech, made at the opening of the session, the ministers were in some measure pledged to this. In his speech his Majesty says,—“Sincerely attached to our free constitution, I can never sanction any interference with the legitimate exercise of those rights which secure to my people the privileges of discussing and making known their grievances; but, in respecting these rights, it is also my duty to prevent combinations, under whatever pretext, which, in their form and character, are incompatible with all regular government, and are equally opposed to the spirit and to the provisions of the law; and I know that I shall not appeal in vain to my faithful subjects, to second my determined resolution to repress all illegal proceedings by which the peace and security of my dominions may be endangered.” They were then about to give their final assent to that bill, the desire for which was said to be the chief cause and justification of Political Unions. With the cause, then, the effect ought also to cease. If it did not, it would become the duty of this House to consider, before the separation of parliament, the propriety of redeeming the pledges placed in the mouth of his Majesty, and of putting an end to proceedings, the continuance of which was declared from the throne to be inconsistent with all good government, and opposed alike to the provisions and spirit of the law, and to the liberty of the people.

In reply to some remarks by Mr. Stanley,—

Sir Robert Peel, in explanation, denied that he required a creation of Peers before the second reading of the bill. What he had said was, that the menace was worse than a creation. In answer to the allegation that the late government had opposed every species of reform in the Church, he begged to remind the right hon. gentleman, that the late government had issued a commission to enquire into the state of the Church, with a view to the regulation of unions, and had effected the Tithe Composition Act. He might, on some future occasion, ask the right hon. gentleman how far the present government had acted on the recommendation of that commission. Reform was too wide a question for him to enter upon in an explanation; but he must remark, that it was natural that the excitement of the people should be ascribed to the government, for he well remembered that when the noble lord opposite (Lord J. Russell) gave his support to the administration of Mr. Canning, who was opposed determinedly to reform, that the noble lord's justification of his own conduct was this, that the people of England had become careless about reform, and that on account of their indifference he should never come forward with any measure of reform again.

After some discussion, the amendments to the bill, as proposed by the Lords, were agreed to.

CLAIMS OF THE PRINCES OF INDIA.

JUNE 14, 1832.

Sir John Malcolm moved for copies of all correspondence, since May 1831, between the Commissioners for conducting the affairs of India, and the Directors of the East India Company, respecting the pecuniary claims of British subjects, or native Indian princes, or other natives of British India, subject to the authority of the East India Company.

SIR ROBERT PEEL was convinced that the House of Commons was a most unfit tribunal for the consideration of questions of this kind; and he hoped, therefore, that the charter of the Company would not be renewed without their consenting to the appointment of some body, whether members of the Privy Council, or a Special Committee, who would relieve the House of Commons from the odium of resisting the just applications of individuals, through a sense of the inconvenience of the precedent, or from a conviction of their own incompetency. The House had followed this course with respect to elections, and he did not know why they should not also adopt it with respect to the claims of individuals, which were always considered with favour when made against powerful bodies or companies. He must strongly object to the appointment of committees to investigate such claims, when made by individuals against the East India Company, because that was calculated to shake the authority of that Company in India. He did not know the intentions of government on this subject. [Lord Althorp said, that the question was under consideration.] He was glad to hear this from the noble lord, as he thought the charter should not be renewed without such an assurance. As he understood that there was no objection to produce the correspondence, but that it was not yet complete, he would recommend his hon. friend not to press his motion.

The motion was withdrawn.

PARTY PROCESSIONS (IRELAND).

JUNE 14, 1832.

Mr. Stanley rose, pursuant to notice, to move for leave to bring in a Bill to restrain, in certain cases, party processions in Ireland. The hon. gentleman, in a brief speech, pointed out the evils attending these processions, and trusted there would be no opposition to the introduction of the Bill.

Several members having addressed the House,—

SIR ROBERT PEEL was in a similar situation as other honourable members with regard to this bill; for, from the explanation given by the right hon. gentleman, he

was at a loss even to guess at the exact nature of the processions which the right hon. gentleman wished to put down, and, therefore, he should like to see the bill before he pledged himself to its support. He certainly thought that there would be no compromise of opinion in allowing the measure to be introduced; and he would therefore suggest, that it would be inexpedient to divide the House. The measure, he thought, was desirable, for he was opposed to party processions, as they were only calculated to lead to disturbances. He was aware of the injurious effects produced by those processions on the minds of both Protestants and Catholics in Ireland; and he certainly thought that it was peculiarly the interest of the Protestants to avoid processions calculated to irritate the great body of their countrymen. To celebrate the battle of the Boyne, and the birth-day of King William, would have little effect in this country; but the battle of the Boyne was commemorated in Ireland with the view of celebrating the defeat of the Roman Catholics. There could be no other object in view: he, therefore, most anxiously wished that this source of irritation should be put an end to. It was, however, more desirable that party processions should be put a stop to, by the exercise of such influence as his hon. friend, the member for Sligo, had exerted, than by legislative enactments; but if the latter should be found necessary for the attainment of so desirable an object, he should not be prepared to oppose a measure for that purpose. He had always felt that it was a most dangerous subject to legislate on; and he did not see how the right hon. gentleman was to steer clear of all the evils with which he was surrounded; but, at any rate, the utmost caution must be used. They should strive to get rid of the *animus*; for, as long as that remained, it would be impossible to put a stop to acts which would excite irritation. It was very easy to say, that no party processions should take place on the 12th of July; but it was so easy to have the celebrations on other days, that little or nothing would be gained by preventing them being held on the 17th of March, or the 12th of July. The right hon. gentleman, however, had other difficulties to deal with; he had to define what party processions were; we can tell well enough, in common parlance, what is the meaning of those words, but it would be extremely difficult to point out the meaning in an Act of Parliament. If the right hon. gentleman, too, wished to interdict the party processions of the Protestants, how could he avoid putting a stop to those demonstrations of physical force; the object of which was not, perhaps, to oppose by force, but to intimidate and to prevent the administration of the law of the land? The state of Ireland was such as to call for legislative interference. When bodies of men to the number of 20,000 or 30,000, headed by priests, were moving about the country for the purpose of preventing the collection of tithes, an illegal object, it was right to interdict them by law, as well as these processions. In either case the object of the law would be, to prevent the violation of the public peace. If it were desirable to put down the Protestant processions, he did not see on what ground these demonstrations of physical force could be defended, which were brought forward to prevent the administration of the law, and which placed in danger the persons and property of the loyal subjects of the king. He certainly could not imagine how the rights or the liberties of the subject could be violated by putting a stop to these assemblies. He did not see how the right hon. gentleman could interdict party processions, unless he also put a stop to these large congregations of persons which tended to breaches of the public peace, and the violation of the law. He was friendly to the object of the right hon. gentleman, in so far as the right hon. gentleman could show that the exercise of influence was not sufficient to prevent these processions. If influence would not prevail, he would not oppose a legislative interference, if it could be shown that it would be effectual; but it would not be effectual, unless a stop were put to the assemblies he had alluded to.

After a short discussion, leave was given, and the bill ordered to be brought in.

PARLIAMENTARY REFORM BILL (SCOTLAND).

JUNE 15, 1832.

Lord Althorp moved the Order of the Day for the House resolving itself into committee on the Parliamentary Reform Bill for Scotland.

On the question that schedule D stand part of the bill,—

Mr. Cutlar Fergusson moved that Greenock be omitted from schedule D; and, if that motion were agreed to, would afterwards move that it be combined with Port-Glasgow, and placed in schedule E.

SIR ROBERT PEEL thought, that no place, according to the proceedings under the Reform Bill, had a better title to be united to another than Port-Glasgow had to Greenock. The objections to their union were most inconsistent. It was said that Port-Glasgow had a constituency of 178, or, at most, 211 voters, and was, therefore, not worthy of being represented; and it was also said, that Port-Glasgow ought not to be joined with Greenock, because it would swamp that place, which had a constituency of 1,000; and, lastly, that Greenock had of itself a sufficient constituency to entitle it to separate representation. But was this to be an argument with them who had added Toxteth-park to Liverpool?—who, when they found constituencies of 10,000 or 12,000, added to them others of 2,000 or 3,000? With respect to the jealousy and rivalry which was spoken of as existing between these places, that was the very reason why they should be united, for it would reconcile their differences. He could not conceive that two towns in the same county, at the farthest two or three miles from each other, could have feelings so irreconcilable as to make it impossible to join them in one constituency; yet one would think, to hear hon. gentlemen talk of their conflicting interests, that they were composed of factions, as hostile as any which existed during the civil wars, or as ever France and England had been. But, admitting the fact, although he should still say it was impossible to legislate upon the assumption of such jealousies, what harm could Port-Glasgow do to Greenock, when it would form barely a fourth part of the constituency common to the two? If Port-Glasgow were identified in interest with Glasgow, perhaps it might be joined with that latter town, although Glasgow was twenty-five miles distant from Port-Glasgow. There were three towns, two of them within a mile and a half of each other, and the other twenty-five miles off; but the House was to assume that there was such an hostility between the two first that they should not be joined together, but that one of them should be joined to the town which was twenty-five miles off. If the House were to abide by the principles on which Toxteth-park was united to Liverpool, and Folkestone joined to Hythe, on what principle could it be refused to join Port-Glasgow to Greenock? He had heard it contended that Greenock had flourishing manufactures; but such was not the statement of the commissioners. What they said was this,—“Greenock cannot, at present, be considered a manufacturing town; but it is likely to become so, as great water power has been provided for driving machinery.” Why not, then, include in the constituent body, the inhabitants of a great manufacturing place, not above a mile and a half distant? In spite of any little jealousies which might, perhaps, occasionally have arisen, two towns could not exist side by side in this manner, and have a separate interest. If the value of property were increased in Greenock, it must be accompanied by a corresponding increase of prosperity in Port-Glasgow. But if there should be any paltry, narrow jealousies, arising from a desire in each to obtain exclusive commercial privileges, the House ought to show itself above them; and, above all, endeavour to reconcile such unjust pretensions by uniting the two towns in the pursuit of one common right.

In reply to Lord John Russell,—

Sir Robert Peel should have supposed, till he heard the learned lord's remark, that the principles of the English Reform Bill ought to have been carried, as they were so excellent, across the Tweed. He had, in the discussion on the English Bill, admitted the force of the argument, that they ought not to encourage separate interests by altogether separating the inhabitants of towns from counties; yet now it was proposed to encourage separate interests. The noble lord seemed to think that no other town as large as Greenock had been denied a separate member; but had not the ministers added Musselburgh, which was six miles distant, to Leith, the electoral houses of which were more numerous than those of Greenock? He could not believe that two neighbouring and prosperous places could entertain that irreconcilable hostility which was said to exist between Port-Glasgow and Greenock. Even if that were the case, he could not understand why they should be separated under a representative system which united Tothill Fields and Grosvenor

Square in the same district. But if the hostility was so great, he should say it was the duty of the House not to perpetuate it by drawing a broad line of distinction between them.

Lord John Russell would repeat that it was fair to do that for Greenock which had been done for Perth.

The committee divided on the amendment:—Ayes, 47; Noes, 73—majority, 26.

PARLIAMENTARY REFORM BILL (IRELAND).

JUNE 18, 1832.

Lord Althorp having moved the Order of the day for the House to resolve itself into committee on the Parliamentary Reform Bill for Ireland,—

Mr. O'Connell presented two petitions against the bill, and praying for a more extensive and just measure for Ireland.

In the discussion which ensued,—

SIR ROBERT PEELE said, that he certainly, in common with the hon. member for Ilchester (Mr. Petre), understood the hon. member for Kerry to assert, the other evening, that, at the time the Irish Catholics obtained emancipation, the English Catholics would have been content to be allowed to act as Justices of the Peace. He thought that the hon. member for Ilchester was perfectly justified in rising in his place on this occasion; and, for the satisfaction of others, appealing to the late Secretary to the Catholics of England on the subject, he did not think that his doing so at all called for the taunts and sarcasms of the hon. and learned gentleman. He (Sir Robert Peel) heard the hon. and learned gentleman himself, on the night referred to, make a most extraordinary declaration. He heard the hon. and learned gentleman, after the division on that night, referring to the vote given by the English Catholic members on that occasion, declare that they ought to be disfranchised of their rights, and that the penal code should be again applied to them. The English Catholic members expressed their opinions independently upon a certain subject, and for so doing the hon. and learned gentleman would re-subject them to the penal code! Was the hon. member aware that such doctrine would justify altogether the past existence of the penal code, for that code was enacted solely against opinions? The hon. and learned gentleman talked of the ragged and shirtless 40s. freeholders, and yet such were the persons to whom he wished the franchise to be extended.

In reply to Mr. O'Connell, who considered the right hon. member for Tamworth possessed of singular advantages with regard to this subject, as, from having been on both sides, he was enabled to speak with great facility on one side or the other,—

SIR ROBERT PEELE would not then go into the question, whether or not he had veered about in politics for profit or for place; but he would put it to the good sense of the House, whether the hon. and learned gentleman had defended himself, or had not rather attempted to divert the attention of the House from himself by making an attack on him (Sir Robert Peel). He agreed with the learned gentleman, that there were politicians utterly destitute of principle, and he would add, that there were politicians who scrupled not to keep a whole country in agitation, and to prevent the return of tranquillity and prosperity, in order to promote their own private and selfish ends. He would ask the House, if there was common justice or common sense in the position, that members of parliament, and those members Catholic, should, on account of their having given an independent vote, be deprived of their rights, and have a code of disabilities re-enacted specially for them? Such were the intolerant principles on which the learned gentleman would act, if he had the power. He had seen in other countries men professing principles of extreme liberality, like the learned member, who, when they got the possession of power, displayed a tyranny which had never been exhibited by the greatest despots of ancient or modern times. He did not doubt the sincerity of the hon. member, and his readiness to put his wishes in execution, if enabled to do so. When the hon. member talked about the 40s. freeholders, did he forget that he himself only proposed by his motion to restore the franchise to the 40s. freeholders in fee, who formed a

In reply to some remarks by Mr. Stanley,—

Sir Robert Peel, in explanation, denied that he required a creation of Peers before the second reading of the bill. What he had said was, that the menace was worse than a creation. In answer to the allegation that the late government had opposed every species of reform in the Church, he begged to remind the right hon. gentleman, that the late government had issued a commission to enquire into the state of the Church, with a view to the regulation of unions, and had effected the Tithe Composition Act. He might, on some future occasion, ask the right hon. gentleman how far the present government had acted on the recommendation of that commission. Reform was too wide a question for him to enter upon in an explanation; but he must remark, that it was natural that the excitement of the people should be ascribed to the government, for he well remembered that when the noble lord opposite (Lord J. Russell) gave his support to the administration of Mr. Canning, who was opposed determinedly to reform, that the noble lord's justification of his own conduct was this, that the people of England had become careless about reform, and that on account of their indifference he should never come forward with any measure of reform again.

After some discussion, the amendments to the bill, as proposed by the Lords, were agreed to.

CLAIMS OF THE PRINCES OF INDIA.

JUNE 14, 1832.

Sir John Malcolm moved for copies of all correspondence, since May 1831, between the Commissioners for conducting the affairs of India, and the Directors of the East India Company, respecting the pecuniary claims of British subjects, or native Indian princes, or other natives of British India, subject to the authority of the East India Company.

SIR ROBERT PEEL was convinced that the House of Commons was a most unfit tribunal for the consideration of questions of this kind; and he hoped, therefore, that the charter of the Company would not be renewed without their consenting to the appointment of some body, whether members of the Privy Council, or a Special Committee, who would relieve the House of Commons from the odium of resisting the just applications of individuals, through a sense of the inconvenience of the precedent, or from a conviction of their own incompetency. The House had followed this course with respect to elections, and he did not know why they should not also adopt it with respect to the claims of individuals, which were always considered with favour when made against powerful bodies or companies. He must strongly object to the appointment of committees to investigate such claims, when made by individuals against the East India Company, because that was calculated to shake the authority of that Company in India. He did not know the intentions of government on this subject. [Lord Althorp said, that the question was under consideration.] He was glad to hear this from the noble lord, as he thought the charter should not be renewed without such an assurance. As he understood that there was no objection to produce the correspondence, but that it was not yet complete, he would recommend his hon. friend not to press his motion.

The motion was withdrawn.

PARTY PROCESSIONS (IRELAND).

JUNE 14, 1832.

Mr. Stanley rose, pursuant to notice, to move for leave to bring in a Bill to restrain, in certain cases, party processions in Ireland. The hon. gentleman, in a brief speech, pointed out the evils attending these processions, and trusted there would be no opposition to the introduction of the Bill.

Several members having addressed the House,—

SIR ROBERT PEEL was in a similar situation as other honourable members with regard to this bill; for, from the explanation given by the right hon. gentleman, he

was at a loss even to guess at the exact nature of the processions which the right hon. gentleman wished to put down, and, therefore, he should like to see the bill before he pledged himself to its support. He certainly thought that there would be no compromise of opinion in allowing the measure to be introduced; and he would therefore suggest, that it would be inexpedient to divide the House. The measure, he thought, was desirable, for he was opposed to party processions, as they were only calculated to lead to disturbances. He was aware of the injurious effects produced by those processions on the minds of both Protestants and Catholics in Ireland; and he certainly thought that it was peculiarly the interest of the Protestants to avoid processions calculated to irritate the great body of their countrymen. To celebrate the battle of the Boyne, and the birth-day of King William, would have little effect in this country; but the battle of the Boyne was commemorated in Ireland with the view of celebrating the defeat of the Roman Catholics. There could be no other object in view: he, therefore, most anxiously wished that this source of irritation should be put an end to. It was, however, more desirable that party processions should be put a stop to, by the exercise of such influence as his hon. friend, the member for Sligo, had exerted, than by legislative enactments; but if the latter should be found necessary for the attainment of so desirable an object, he should not be prepared to oppose a measure for that purpose. He had always felt that it was a most dangerous subject to legislate on; and he did not see how the right hon. gentleman was to steer clear of all the evils with which he was surrounded; but, at any rate, the utmost caution must be used. They should strive to get rid of the *animus*; for, as long as that remained, it would be impossible to put a stop to acts which would excite irritation. It was very easy to say, that no party processions should take place on the 12th of July; but it was so easy to have the celebrations on other days, that little or nothing would be gained by preventing them being held on the 17th of March, or the 12th of July. The right hon. gentleman, however, had other difficulties to deal with; he had to define what party processions were; we can tell well enough, in common parlance, what is the meaning of those words, but it would be extremely difficult to point out the meaning in an Act of Parliament. If the right hon. gentleman, too, wished to interdict the party processions of the Protestants, how could he avoid putting a stop to those demonstrations of physical force; the object of which was not, perhaps, to oppose by force, but to intimidate and to prevent the administration of the law of the land? The state of Ireland was such as to call for legislative interference. When bodies of men to the number of 20,000 or 30,000, headed by priests, were moving about the country for the purpose of preventing the collection of tithes, an illegal object, it was right to interdict them by law, as well as these processions. In either case the object of the law would be, to prevent the violation of the public peace. If it were desirable to put down the Protestant processions, he did not see on what ground these demonstrations of physical force could be defended, which were brought forward to prevent the administration of the law, and which placed in danger the persons and property of the loyal subjects of the king. He certainly could not imagine how the rights or the liberties of the subject could be violated by putting a stop to these assemblies. He did not see how the right hon. gentleman could interdict party processions, unless he also put a stop to these large congregations of persons which tended to breaches of the public peace, and the violation of the law. He was friendly to the object of the right hon. gentleman, in so far as the right hon. gentleman could show that the exercise of influence was not sufficient to prevent these processions. If influence would not prevail, he would not oppose a legislative interference, if it could be shown that it would be effectual; but it would not be effectual, unless a stop were put to the assemblies he had alluded to.

After a short discussion, leave was given, and the bill ordered to be brought in.

PARLIAMENTARY REFORM BILL (SCOTLAND).

JUNE 15, 1832.

Lord Althorp moved the Order of the Day for the House resolving itself into committee on the Parliamentary Reform Bill for Scotland.

very small proportion of that body of 40s. freeholders to whose efforts the hon. member attributed the restoration of his civil rights? If, therefore, the hon. member for Ilchester could be accused of ingratitude in reference to the 40s. freeholders, with how much more justice did the charge of ingratitude lie against the learned gentleman, who had excluded the great body of the 40s. freeholders from the benefit of his own motion!

The petitions were ordered to be printed.

On the question being put, that the Speaker do now leave the chair,—

Mr. O'Connell rose to propose another instruction to the committee. The hon. gentleman, in the course of a long speech, complained bitterly of the contempt in which the affairs of Ireland seemed to be held in this country,—of the conduct of men calling themselves reformers, marching arm-in-arm with their late opponents, to vote against those men, who, through evil report and through good report, had sustained them, and when, without their assistance, they must have been vanquished. The hon. and learned gentleman concluded, by moving an instruction to the committee, to extend the elective franchise to every person seised of a freehold estate, and occupying the same, of the clear yearly value of £5 at the least, over and above all charges, except only public taxes.

Mr. Stanley, after analysing the speech of the hon. and learned gentleman, and exposing many of its fallacies, expressed his determination firmly to oppose the motion.

Rising after Mr. Hume,—

SIR ROBERT PEEL said, that the hon. member who had spoken last had referred to the surprise which he had expressed at the doctrines the hon. member had uttered in that House at the beginning of his speech; but he begged most strongly to assure the hon. member for Middlesex, that he had expressed no surprise whatever at his doctrines, for they were precisely the doctrines which he had expected to hear from such a quarter. He never had expressed his surprise, but he had expressed his indignation, his strongest indignation, at the intolerant and tyrannical doctrines which the hon. member had advocated. What! was a public character at liberty to convey to the people out of doors, sentiments entirely different from those which he maintained in that House? Did the hon. member mean that he, or any man, was entitled to use terms in addressing his constituents, and maintain principles with reference to the public transactions and government of the country, which were exempt from observation within the walls of parliament? He protested against any such doctrine. There was no principle, there were no opinions, relating to public affairs, which any public man could publicly maintain, that were not liable to be questioned in that House. He would merely cite the case of Mr. Burke, with reference to his publications upon the French revolution. He would ask, if a member who differed from Mr. Burke would have been irregular, or unjustifiable, in calling in question the written and published opinions on public affairs of a man so prominent as Mr. Burke? If that were not to be done, according to the hon. member for Middlesex, he would beg him to lay down at once his new forms for regulating the proceedings of parliament. The hon. member's notion was, that he might come down to the House with oily professions of peace and moderation, whilst he was agitating the multitude out of doors with inflammatory statements and evil counsels, for which he must not be questioned in parliament. He protested in the strongest manner against such an assumption of impunity. He would tell the member for Middlesex, that if he maintained at Brentford doctrines by which the peace or interests of the country were injured, he (Sir Robert Peel) would insist on the right to notice them in the House of Commons. What was the language which the hon. gentleman used to that House? "You have passed the English Reform Bill, you have consented to the principles of the Irish Reform Bill, but there is a trifling question about a particular franchise on which you refuse to give way." This was the language of the hon. member for Middlesex; and then he had the audacity, the unparalleled audacity, to tell the House, that if it did not give way upon this trifling point, he would control its deliberations by physical force. He would tell the hon. member, that he for one never would submit to this menace of physical force. As long as he could, he would use every effort to resist its influence, feeble and ineffectual as those efforts might be. What! was physical force to be used

against the House of Commons to compel it to pass a £5 franchise clause? Why should not the holders of a £2 franchise equally appeal to physical force; and when they had succeeded, why should not the more powerful party, who had no franchise at all, wield the successful instrument of physical force? The hon. member had said, that the learned member for Kerry had used physical force in carrying the Catholic question. The hon. member was a most clumsy advocate of the cause which he wished to defend; for the member for Kerry's chief boast was, that without the exercise of physical force, the Irish extorted from a reluctant government the emancipation bill, and that equally by legal means had the people of England carried the measure of reform. But the hon. member for Middlesex had asserted that the present ministers had carried the Reform Bill by physical force and violence. He was astonished that the hon. member could pronounce such a libel upon his friends and supporters out of doors, who all gloried in what they called a bloodless revolution, effected only by the force of reason and justice. To subject the House on any occasion to the threat of physical force, was nothing less than a vile and degrading tyranny, and it would be better at once to constitute a mob-committee, to sit (he would not say to deliberate) from day to day, and to issue its mandates to be executed by the ministers of its choice, than that the House of Commons should permit itself to be influenced by the menaces of force and violence. He (Sir Robert Peel) would not sit in that House to hear its functions thus treated, particularly now that the House had consented to the measure, which, it had been told, was to be the end and extinction of all such doctrines. He would never sit there calmly to hear principles asserted that were fatal to all government, and utterly subversive of the peace of society. If the people of England believed that the doctrine of compelling the decisions of the legislature by force could ever be for their interest, they were wretchedly deceived. Let them look to other countries, and see in what triumphs did physical force terminate. Let them see if it promoted the interests of the people, or if it conduced either to personal liberty or to the liberty of the Press. Let them ascertain whether, in a neighbouring nation, an appeal to physical force, even in a just cause, had led to any beneficial results. Could any man sit and hear it maintained, that in England the House of Commons was not competent to decide a question of the nature of that now before it, without being overpowered by physical force—such physical force, he supposed, as that which had just insulted the Duke of Wellington? Were the deliberations of this House to be thus controlled, he for one would never consent to participate in the mockery of legislation, when he knew himself to be under the influence of such a tyranny as that with which they had been menaced by the member for Middlesex.

Mr. Hume explained, and several other members having taken part in the discussion, the House divided on the amendment; Ayes, 44; Noes, 177; majority, 133.

ATTACK ON HIS MAJESTY AT ASCOT HEATH.

JUNE 20, 1832.

The Speaker announced that a message from the Lords had been received, desiring a conference with the Commons in the painted chamber, on a subject materially affecting the safety of his Majesty's person, and also the happiness of his people.

Lord Althorp moved that the House do *instantly* agree to the conference with their Lordships' House.

The resolution was agreed to unanimously—managers appointed—and a conference immediately held.

On their return Lord Althorp brought up the address, which was read, as follows:—"That an humble address be presented to his Majesty, to express to his Majesty our horror and indignation at the late atrocious and treasonable attempt upon his Majesty, and our heartfelt congratulations that his Majesty escaped from it without injury to his sacred person.

"To express to his Majesty the deep concern which we feel at there having been

found within his Majesty's dominions, a person capable of so flagitious an attempt; and that we make it our earnest prayer to Almighty God, that he will preserve to us the blessings which we enjoy under his Majesty's just and mild government, and continue to watch over and protect a life so justly dear to us."

He then, in a brief speech, alluded to the outrage which had been perpetrated on his Majesty, and concluded by moving the House to concur in the address.

SIR ROBERT PEELE seconded the motion, and remarked, that all observations to induce that House to give a ready and unanimous consent to the address must be superfluous. No man could contemplate the facts of an assault so wanton and so audacious as that upon the sacred person of his Majesty, or of that some time previously upon the Duke of Wellington, without the utmost indignation. But he did not understand from the noble lord that the wretched individual who made this assault was in a state of mental derangement; and, if he did not happen so to be, he (Sir Robert Peel) conceived that this wild conduct could have arisen only from the state of political excitement which prevailed, an excitement which he trusted all loyal subjects would see the necessity of calming; and of inducing a return to that strain of sentiment and course of action for which Englishmen in former days were distinguished. Such was the duty of every loyal man; but he maintained, that it was peculiarly the duty of those in high station, or possessed of great influence, to inculcate obedience to the laws. He had heard doctrines promulgated in that House, calculated to produce consequences which, he was convinced, never were intended by those who uttered them. If members of that House maintained, that in cases of supposed grievance the resort to physical force was justifiable and even laudable, who could doubt that the very worst effects must be thereby produced upon the ignorant classes? The natural conclusion for such persons to draw from such doctrines was, that they also would be justified in avenging their fancied wrongs by physical force. He hoped, therefore, that at a time when it was so easy to inflame, they would all see the necessity of being guarded in the expressions they used and the doctrines they set forth; and that they would remember that one of their first duties, as legislators and representatives of the people, was, to inculcate obedience to the laws.

Mr. Stanley regretted that the right hon. baronet had introduced any allusion to politics, and expressed his conviction, that every body must look upon the act with the greatest abhorrence, and that the House could not fail to concur in its reprobation.

Sir Robert Peel explained, that he never intended to say, or had said, that the attack upon the Duke of Wellington was of equal enormity with the attack upon the king. He had only intimated that each was referable to the same cause—namely, the political excitement which prevailed—not solely on account of the Reform Bill, but from a variety of concurrent causes on which he had not touched. He had said, and he now repeated it, that both those events ought to be a warning to them how they propounded doctrines, and used language, which might produce the worst effects upon the ignorant classes—effects which, he had no doubt, had not been intended by the persons who incautiously maintained the doctrines to which he referred. He denied that he had introduced any question of party or political feeling. It was true he had alluded to the hon. member for Middlesex. He remembered other occasions on which that member had used language in his place in that House which had been misconstrued, and had produced effects which were greatly to be lamented. He remembered that, in November 1830, when great excitement prevailed, the hon. member had used the expressions which were before quoted in that House—namely, that the day of vengeance was come. Now, he asked, if a member for the metropolitan county told the people that they should resort to the use of physical force if their grievances were not redressed, and boasted that the day of vengeance was come, could they wonder that an ignorant man should be misled by the promulgation of such opinions, and fancy that he had a right to vindicate his personal wrongs by physical force? He, therefore, once more urged upon the House, that these things should be a warning to them to be moderate in their language, and cautious in the doctrines they propounded.

The address agreed to; and it was ordered that the House of Lords should be informed of the concurrence of the House of Commons.

Lord Althorp and the other members of the conference immediately left the House for that purpose.

PARLIAMENTARY REFORM BILL (IRELAND).

JUNE 25, 1832.

The House resolved itself into a committee on this Bill.

On the first clause being read;—Mr. Stanley stated that his Majesty's government thought it would be desirable to extend the £10 franchise, which by the present bill was confined to freeholders, and to give it to persons holding under a lease for twenty-one years, and occupying their holdings.

SIR ROBERT PEEL said, that as the right hon. gentleman had stated one important alteration, he begged to ask, whether he would have any objection to state what others, if any, it was intended to propose?

Mr. Stanley said, it was not the intention of any member of his Majesty's government to propose any other changes, except a short proviso, which would exclude from the operation of this bill all honorary freemen who had been created such since the bill had been introduced into the House. He had understood, also, from the noble lord who represented Meath, that there were two or three copyholders in that county, and, as there were so few, he thought they ought to be included in the bill.

Sir Robert Peel felt that this was a subject of very great importance to the agriculturists of Ireland, and as such required mature consideration. The committee, he thought, were called upon to discuss this point without sufficient notice, and without sufficient information. He admitted that the creation of freeholders in Ireland had led to great abuses; but those abuses were not contemplated by those who proposed that measure. He should like to consider whether this new measure might not be equally perverted. He did not, however, give any opinion, nor, indeed, had he then the means of forming one. He should like to know the probable extent of voters which this measure would create, though he admitted that it would be most difficult to make any such calculation. He also wished to guard against giving leaseholders a predominance over the freeholders. If the numbers of £10 freeholders were too great, perhaps an increase might be safely made from the substantial freeholders in fee. It was, however, said that the state of Ireland was totally different from that of England; but the condition of Scotland, with respect to freeholds, was somewhat similar to that of Ireland, and yet in the former country, a lease of sixty years was required, whilst twenty-one years' lease was considered sufficient to give that franchise in Ireland.

Mr. Stanley said, there was this difference, that occupation was required in Ireland.

Sir Robert Peel still felt that the subject had not been sufficiently considered.

Several verbal amendments having been made, the first clause was agreed to, and ordered to stand part of the bill.

PARLIAMENTARY REFORM BILL (SCOTLAND).

JUNE 27, 1832.

Lord Althorp moved the Order of the day for the third reading of the Parliamentary Reform Bill for Scotland.

The Lord Advocate moved that the clause requiring qualifications in members should be withdrawn from the bill.

Lord Althorp having signified his acquiescence in the proposition,—

SIR ROBERT PEEL was apprehensive they were about to establish a most dangerous precedent in respect to Scotland, which was capable of being applied hereafter, by the discontented out of doors, as a reason for similar concessions as to qualification in respect to the English and Irish boroughs. They had refused to abolish the qualification in this respect as to English and Irish borough members; why then should it not be required in Scottish boroughs? There was but one reason given for

the exemption by the hon. and learned lord, which was the tenderness of their conscience about taking the oaths at the table as to their qualification. Yet the learned lord had represented an English borough himself, and felt none of those qualms of conscience when the oath was put to him at the table on his return to parliament. [The Lord Advocate: I possessed the proper qualification.] Indeed, he never yet recollected that the House had experienced the misfortune of losing any Scotchman, elected for an English borough, in consequence of his excessive sensibility in respect to taking the oath prescribed. He was unwilling to sanction in this case, a precedent which would not fail to be laid hold of by a certain class of zealots in politics, when the opportunity arose, in a reformed parliament, of introducing a similar abandonment of security for the respectability and independence of the person returned to parliament. He was unwilling to permit government, or that House, to be led or dictated to by bodies of men out of doors, calling themselves Political Unions, as to points of such vital importance to the respectability of that House. They were better judges of such subjects than any Political Unions. It looked certainly, as if this motion was introduced at the suggestion of the Political Unions; for in the first bill the clause had been inserted, in the second omitted, and again re-introduced in the third draft of this very bill. It was remarkable also, that petitions from two Political Unions were but just presented against the clause.

The motion for withdrawing the clause was agreed to, and the bill passed.

PRIVILEGES OF PARLIAMENT BILL.

JUNE 27, 1832.

Mr. Baring moved, that the Order of the day for the House to resolve itself into a Committee on this Bill, be read.

Lord Althorp, after enumerating his objections to the bill, stated, that under all the circumstances he felt it his duty to meet the motion by a direct negative.

In the debate which followed,—

SIR ROBERT PEEL said, that by going into committee it would be open to any hon. member to propose amendments, and the one just alluded to, as well as others, might be then suggested; but he should rather see any clause relating to Peers come from the other House, because he thought the members of the House of Lords would naturally feel a jealousy of any interference with their privileges which did not originate with themselves. He must say, that he had not as yet heard any good reason, to show why this enactment should not apply to the Lords as well as to the Commons. We should not exclude men of genius from that House because their carelessness of pecuniary matters might lead them into pecuniary embarrassments; but he doubted very much the independence of such men as were involved in debt. At all events, such cases were exceptions, and the rule would still hold good, that a certain independence of property greatly contributed to the independence of a man's actions. If the bill should pass through a committee, he should be then prepared to weigh its inconveniences with its advantages, and he should vote whichever way in his opinion the balance lay. One thing he was certain of, and it was this, that the members of the House of Commons ought to set an example of independence and integrity to the nation at large.

On a division the numbers were:—Ayes, 69; Noes, 50; majority, 19.

On the Order of the day being read, Mr. Baring moved that the Speaker leave the chair. The House then went into committee.

POLAND.

JUNE 28, 1832.

Lord Ebrington presented petitions from Sidmouth, Crediton, and another place in Devonshire, praying the House to address the Crown, in order to obtain its interference in the affairs of Poland.

Mr. Cutlar Fergusson, after a vivid and energetic sketch of the events which had placed Poland under the dominion of Russia, and of the horrible barbarities inflicted on the citizens in consequence, concluded by moving, for copies of the manifesto of the Emperor of Russia of the 26th of February last, and of the Organic Statute to which it referred; also, for a copy or extract from the despatch of the British minister at St. Petersburg, communicating the same to his Majesty's government.

Lord Sandon seconded the motion.

Several members having taken part in the discussion,—

SIR ROBERT PEEL could not help expressing his satisfaction, that the motion shortly to be put from the Chair, was of a character so different from the tone of this debate. It pledged the House to no particular line of conduct, but called for that information, the possession of which, in an official shape, was necessary to enable it to form a judgment; and he must say, he wished many members had waited for that information, before they had expressed such decisive opinions. It was well for hon. gentlemen to say, that now was the time for France and England to unite, in order to compel the other powers of Europe to adopt a certain line of policy; but the House must be sensible, that there was a moral obligation imposed upon a great country like this, to weigh well, before entering into it, the justice of a war, the probability of its success, and all its possible consequences. It was our duty, no doubt, also to consider what were our engagements to other countries, and no fear of war should prevent us from fulfilling those engagements; but, before they lightly determined on war, and undertook to predict its success and limit its consequences, let them well consider the position in which the country stood, and what it was bound in good faith to do. The hon. and learned mover had, therefore, pursued the proper course, by calling, in the first instance, for information. He considered it important that no obligation contracted under the Treaty of Vienna ought to be kept out of view; but there was another document required in order to supply all the means for judging of this question—he meant the constitution granted to Poland by Alexander, the production of which he would suggest as an addition to this motion. He should not have done this had the noble lord objected to the motion, as interfering with pending negotiations. The hon. and learned gentleman had fortified his claim to the sympathy of parliament and the country, by referring to the severities which had been inflicted by Russia subsequently to the insurrection. He was the last person to vindicate the infliction of those severities—that is to say, if it were clearly ascertained that they had been inflicted. He could only consider them impolitic in the extreme, for he did not understand how the affections of any country could be conciliated by such a course of proceeding. He doubted its justice as well as its policy; but, before he joined in the indignation which had been expressed, he wished to be quite certain that the allegations were true, and would suspend his judgment till he was satisfied upon that point. He had too often known accusations brought against persons in that House prove, on enquiry, to be erroneous, to give hasty credit to those preferred against persons at a distance, and living under another government. Statements had been even made of transactions taking place in the very streets of London, published in all the newspapers, and noticed in parliament as undoubted facts, and then, the very next day they had been contradicted in the most positive manner, by the heads of public departments, and declared to be without the shadow of a foundation. If it were true, as had been asserted, that hundreds of young children had been daily removed from Poland—nay, if any number, however limited, had been torn from their parents, for the purpose of being transferred to a foreign land, it would be not only impossible to attempt a vindication of such proceedings, but impossible to avoid participating in the indignation which had been expressed. With respect to the language which had been applied to the emperor of Russia, he cordially concurred with his hon. friends—the member for the university of Oxford, and the member for Thetford—in deprecating such language. He must protest against the emperor of Russia—a foreign sovereign with whom the country was in alliance—being called a miscreant, and the king of France denounced as a stock-jobbing sovereign, and a traitor. The hon. member for Middlesex said, that the protests of his hon. friends and himself were attempts to interdict the freedom of speech. They were the very reverse; they were, in themselves, the exercise of that freedom. A member might, if he thought fit, use

such language; but other members had as clear a right to enter their protest against it. He would venture to say, that the gallant Poles, the objects of their sympathy, never indulged in such expressions: they felt the hand of oppression, and resorted to the most vigorous means of redress, and their dignified remonstrances excited more sympathy throughout Europe than if they had exhausted the whole vocabulary of Billingsgate for the purpose of abusing their opponents. He did not deny the right of the hon. member for Middlesex to apply these indecorous expressions of abuse, or the right of the member for Louth to abstain from using them, on the ground that, even with his copious command of language, he could find none adequate to express his feelings; but he doubted whether it were politic to rally round the emperor of a powerful country the proud and independent feelings of his own subjects, through indignation at the insults offered to their sovereign. Did hon. members imagine that a continual tone of insult in the French Chambers, applied to King William IV., would tend to conciliate the feeling of England, or obtain from England the redress of any wrong of which France might have to complain? Would not every man in the nation feel that his independence was insulted, if the sovereign, who was his organ of communication with foreign countries, was continually loaded by foreigners with opprobrious epithets? So far from such a mode of expressing their sentiments advancing the object in view, it must inevitably retard it, first by diminishing respect for their character, and next by making it almost impossible to yield to menace and insult that which might readily be conceded to moderate and decorous remonstrance. We had had experience in the history of our own times, that national disputes might be embittered by the incautious use of insulting language. The learned gentleman who spoke last, justified the use of violent expressions by the example of Mr. Canning in our disputes with the United States. He doubted whether Mr. Canning himself, if he were now alive, would admit the justification. If the learned gentleman would refer to an earlier period of our controversies with the United States, he might learn, that a whole nation resented the insulting tone assumed by Mr. Wedderburn towards Franklin. In short, all experience proved the policy of abstaining from the use of such language. Such, too, had been the usual practice of the House, and, when that practice had been violated, some members of the House had always expressed their dissent from, and regret at, the violation. He did not think, then, that the noble lord, the Secretary for Foreign Affairs, could possibly have said less than he did in deprecation of the course that had been pursued. If the anticipations of hon. gentlemen were, that a reformed parliament would be infinitely more abusive, he hoped that members of a reformed parliament would follow the example of that hon. member, who, in the course of the debate, had quoted the sentence of Bacon with respect to strawberry-beds. He was led to expect from the hon. member himself some strong expression that would deeply embitter the animosities of the debate; but when the hon. gentleman calmly referred to Lord Bacon's excellent chapter on gardens, and said that the victories of the Russians over the Poles would be like trampling upon strawberry-beds, he felt greatly relieved. The hon. member would probably himself be in a reformed parliament, and he trusted he would set the example of inflicting censure in language so figurative, and so void of offence, that no foreign power would probably understand, and certainly would never resent it. No man would more strenuously remonstrate against an infraction of public faith than he would; but there was no man who had a more cordial abhorrence of war, and no one who felt more strongly the public calamity which war would inflict upon the whole world, than himself; and he thought it would be prudent, if, before indulging their sympathies and feeling, they saw a clear case made out as to the extent of the obligations imposed upon this country, as to the chances of success, and the probability of aiding those who might be the objects of the national sympathy. It was impossible to avoid expressing admiration of the Poles; but, knowing what he did of the personal character of the emperor Nicholas—understanding what had been his uniform conduct with respect to his own subjects—hearing the testimony in his favour of the noble lord opposite, which he was sorry to find him disposed so hastily to retract—he could not credit, without full proof, the infliction of severities which would not only be unjust, but most impolitic. Upon this, then, as upon all other occasions, he entreated those who might be in a reformed House of Commons, to consider

well before they entered into any precipitate resolution likely to involve this country in war; but, if they should come to such a resolution, the more temperate the language in which it was couched, the more credit would the world give them for intending to abide by it.

Motion agreed to.

PARTY PROCESSIONS (IRELAND).

JUNE 29, 1832.

Mr. Stanley stated, that, in consequence of the opposition of Irish members to this bill, he should not be able to get it through the House this session. The hon. gentleman then alluded to the near approach of the party anniversaries, and stated that the events of the 12th of July, if disastrous, must be decided by the common law, as it then stood. In conclusion, he appealed to all hon. members possessing influence with either of the opposite political parties in Ireland, to contribute by every effort in their power to the maintenance of peace and the support of the law.

SIR ROBERT PEEL regretted exceedingly to hear it stated, that there was any prospect of the public peace being broken in Ireland on the 12th of July; but he trusted that those who possessed influence in Ireland, by their station or their property, would not only individually exert themselves, but meet for the purpose of issuing unanimous exhortations to the Protestants of Ireland—to prove that this law was not necessary, and to induce them voluntarily to abandon that which would necessarily give pain to others of the community. That would be a real triumph, to dispense with the necessity for this law altogether, and he felt confident that every Protestant gentleman would be ready to do all in his power to prevent a collision, or the possibility of one single life being lost. With respect to the bill itself, he certainly was prepared to support its principles; but, nevertheless, he should have wished to see certain modifications introduced; for instance, he would much rather that a general power should have been vested in the hands of the Lord-lieutenant, in case of the public peace being endangered, than that this power should be left in the hands of individual magistrates. He perfectly agreed with the hon. and learned member for Kerry, that if life were lost in the processions, those who took part in the processions ought deeply to lament it. He was averse to all displays of physical force in civil life. He did not impute bad motives to those who assembled in processions; but, when thousands of persons met in arms, they set a bad example to others who might not be so well disposed as themselves. The legislature having removed all disabilities in Ireland, the object of all Irishmen ought to be, to put an end to those dissensions which the existence of unequal rights had been calculated to excite, and to place that country in the state of tranquillity from which alone private safety and public prosperity could flow.

The House then went into a Committee on the Parliamentary Reform Bill for Ireland.

CASE OF ALEXANDER SOMERVILLE.

JULY 3, 1832.

Mr. Hume, in bringing this question before the House, contended that the punishment this man had received, had been inflicted—not in consequence of the slight breach of discipline of which he had been guilty, but on account of certain political opinions he had published. The hon. gentleman, after going at large into the case, concluded by moving for, “A return of all papers relating to the trial and punishment of Private Somerville, of the 2nd Dragoons.”

Mr. Hunt seconded the motion.

Sir John Hobhouse, on the part of the government, could not accede to the motion, as the hon. gentleman had not signified his intention of making it.

Rising after Sir Francis Burdett,—

SIR ROBERT PEEL said, the charge was, that a soldier had been punished for one

offence, having committed another; and that was a question totally distinct from the corporal punishment to which the hon. baronet had endeavoured to direct the attention of the House. He thought it would have been better if that question had been left untouched; but, convinced as he was, that if they constituted themselves a tribunal for the examination of the proceedings of this court-martial, on the mere statement of the offender, they would have a petition for the same purpose from every person who might hereafter be tried, he should certainly vote against the motion. By consenting to constitute themselves a tribunal on such grounds, for the investigation of the proceedings of a court-martial, they were withdrawing from the officers of the regiment, and from the commander-in-chief, the whole of the authority delegated to them by Act of Parliament, and at the same time placing the matter under the worst possible jurisdiction which could be selected. He candidly admitted that nothing ought to be more severely condemned, than that an officer should accuse a soldier of one offence, and cause him to be punished for another. He would begin by stating this; but he must at the same time say, that it would be utterly impossible to maintain the discipline of the army, if soldiers were allowed to be political partisans, correspondents of newspapers, or members of political clubs. Then, indeed, a standing army would be in truth a curse—then might they bid farewell to civil liberty. He thought, accordingly, that it was fully in the power of the officer in command to interdict a soldier's communication with the newspapers, and prevent him from being a member of a political union. He denied the truth of the doctrine, that a soldier continued to enjoy all the rights of a citizen. It was quite clear the soldier must forfeit that portion of his civic right which would interfere with the discipline of the army. But to address himself to the matter immediately before the House. The question simply was, had they sufficient *prima facie* evidence to induce them to believe that this individual had been punished for one offence while he had been accused of another? The expediency of corporal punishments had nothing to do with this charge; and it was most improper to appeal to men's passions on this topic. Now he did not think a *prima facie* case had been made out; he disbelieved the charge. He could not believe that Major Windham, and the other officers of the court-martial, could have violated their oaths by trying a soldier on one charge and punishing him for another. He did not believe that Lord Hill, and the other superior officers of the army, would have suffered the proceeding to pass unnoticed, if any thing appeared against this line of conduct pursued by Major Windham. Wishing, therefore, to leave the army to its natural protectors, desiring not to establish a precedent for the interference of the House of Commons in such matters, which must be fatal to the discipline of the army—he would give his decided vote against the proposition of the hon. member for Middlesex, however it might be shaped.

After a short discussion, Mr. Hume consented to withdraw the present motion, and gave notice of a motion for that day week, to refer the petition to a select committee.

SUPPLY OF WATER TO THE METROPOLIS.

JULY 6, 1832.

On the motion of Lord Althorp, the House went into a Committee of Supply.

Lord Althorp having moved for a vote of £1000 in part payment of the expense of the survey,—

SIR ROBERT PEELE said, that when this subject had been last under discussion, the noble lord had supposed him (Sir Robert Peel) to have been influenced by some personal feeling on this subject, than which nothing was more remote from his mind, as he had taken the subject up solely upon public grounds. There were two questions—first, whether the expense incurred were justifiable in itself; and, secondly, if justifiable, whether it ought to be defrayed by parliament. He had always been of opinion, that it would not be just to charge the public generally with the expense of making surveys for the benefit of the metropolis; and he had also been of opinion, that the supply of pure water would be best obtained by public competition, and that it would be exceedingly difficult to sanction a grant for London, on grounds which

were not equally applicable to Manchester and Liverpool, or, at all events, to Dublin and Edinburgh. He had never undervalued the importance of a supply of water for the metropolis; but, as a general principle, he thought it better that it should be undertaken by companies or individuals. The moment government stepped in, there ceased to be a check upon its proceedings. Hitherto the metropolis had been supplied with water by the exertions of five or six companies competing with each other. Many of these had exerted themselves to improve the supply; they had constructed reservoirs, but the moment government stepped in, their exertions would cease. They would have done more; and it had been the intention of some of them to draw their supply from the river Colne: for this purpose they had gone to great expense in surveys, and a bill had been introduced into that House; but, on finding that the government had taken the matter up, they stopped at once, after incurring, as he was informed, an expense of upwards of £5000. In every case he was opposed to interference by government, and the propriety of his opinion was proved by the superiority of the supply of London, as compared with Paris and other capitals, where the governments chose to interfere. He admitted that there were justifiable complaints as to the badness of the water, but he objected to the expense of the survey. Suppose, however, the expense of the survey incurred, he could not understand how it was to be made available; for the government could not force the water companies to make alterations, or do as they wished. He quite agreed that, in the first instance, it would not have been right that the hon. baronet should be allowed to undertake this at his own charge: but, when the noble lord had urged his objection to the principle, and that the hon. baronet still persevered, and offered his guarantee for the expense to be incurred, he certainly did think that the hon. baronet was called upon to fulfil that guarantee. From the papers on the Table, it was clear that the Treasury had been studious to fasten the expense on the hon. baronet. Mr. Telford had said, that he felt a difficulty in acting under any authority except that of the Treasury, and the noble Chancellor was right in giving that order; but he was also equally right in reminding the hon. baronet of his guarantee. He maintained that the whole matter had much better be left to private speculation, and for that reason, in addition to the others which he had stated, he should certainly oppose this vote.

Later in the evening,—

Sir Robert Peel said, that when he had, during the time he was in office, been applied to for an order, directing Mr. Telford to go on with the examination which was recommended by a committee, he had declined to grant the order, solely because it was irregular in any officer of the government to incur any such expense upon the mere recommendation of a committee. He was not entitled to do so till the recommendation had received the sanction of that House.

Lord Althorp was afraid that, unless government took up the matter, the survey would not be made; he was of opinion that much good would be derived from it.

Sir Robert Peel, after what had passed, saw clearly in what way the vote would be carried, and he should not waste the time of the committee by a division. He should only say now, that it would be a great advantage if Mr. Telford was called on to say in what state the survey was at present, and what was the prospect of its being finished.

The vote was agreed to.

DIVISION OF COUNTIES AND BOUNDARIES BILL.

JULY 9, 1832.

The Lords' amendments to this bill having been read,—

SIR ROBERT PEELE said, that the general rule was, when the other House made any alteration in a bill which could be considered material, that these alterations should be printed. Without doubting the accuracy of the statement of the noble lord, he saw no reason why the rule should be departed from in the present instance. It should be recollected that the House determined, by a large majority, that Thornbury should be the nomination place for the western division of Gloucester-

shire. He was not aware on what grounds that place had been struck out, and some reason should be assigned, or, at any rate, a little time should be afforded for consideration. At the same time, he was prepared to admit that, in a case of necessity, the rule might be departed from. If this were a case of that nature, perhaps the noble lord would state so. He had no wish to throw any impediment in the way of the government; but it was desirable not to depart from general rules without some reason being assigned.

Lord Althorp having explained,—

Sir Robert Peel asked, whether ministers could state when it was probable that parliament would be dissolved?

Lord John Russell said, that the registration would not be completed until the 1st of December, and if a dissolution took place before that period the registration would be null and void. He would leave the right hon. baronet to draw his own inferences from that statement.

Amendments read a second time, and, on the motion of Lord John Russell, they were agreed to.

TITHES (IRELAND).

JULY 10, 1832.

In the adjourned debate on this bill,—the question before the House being a series of resolutions moved by Mr. James Grattan, as an amendment to Mr. Stanley's motion for leave to bring in a bill for a compulsory commutation of tithes in Ireland,—

SIR ROBERT PEEL felt it his duty to state his opinion upon this most important question. There were two courses, one or other of which the House must determine to follow. It must either adopt the proposal of the right hon. gentleman (Mr. Stanley), which did not require that they should then determine upon the details of any measure—which did not even of necessity involve the appointment of a receiver—which merely, in conformity with the report of the committee, asked leave to submit a legislative measure for the deliberative consideration of the House. The other course proposed that they should agree to certain resolutions, the effect of the adoption of which would be, to postpone all consideration of the question for an indefinite period. He was bound to declare his opinion, that the latter course was unjust and impolitic, and therefore he should give it his most decided opposition. He repeated that the latter proposition was unjust; and, if he required any authority to support that assertion, he would take the resolutions themselves, to the adoption of which he was called upon to give his consent. The second resolution stated, "that, in coming to the previous resolution, we recognise the rights of persons having vested interests; and we declare that it is the duty of parliament to provide for those persons a just compensation." Well, then, before he agreed to that resolution, he required to know from those who proposed it, what was the mode in which they expected that parliament would fulfil the admitted duty of providing for the sufferers a just compensation? Was it not notorious that there were persons of the highest respectability, both from character and station, possessed of as valid, as legal, as equitable a claim to property as any man in the country possessed, who were deprived of that property by what he had heard described in that House as a moral combination? What! was that a moral combination which robbed persons of property to which they had as good a claim as any landed proprietor of the country had to his land? The resolution proposed admitted their right to just compensation. By whom was that compensation to be provided? Not, surely, by the Treasury? [Mr. James Grattan: No. Not by the Treasury.] He presumed, also, that it would be admitted at once that the people of England, who obeyed the laws, and paid tithes larger in amount than those which were paid in Ireland—that they, who were not exclusively members of the established church, many of them being persons who dissented from that church, but who still fulfilled the obligations of morality, obeyed the decisions of the law, and rendered unto others what was their due—it surely would not, could not, be contended that the English people

were the parties who could be fairly or justly called upon to make up this deficiency. Every gentleman appeared to admit the justice of that proposition. By whom, then, was this just compensation to be made? He presumed that the next admission would naturally be, that it must come from the landed proprietors of Ireland, who were to benefit by the remission of tithe. But if this were so, and if, at the same time, as the hon. and learned gentleman said, insubordination was marching through the land with giant strides—if, according to his own declaration, he himself would refuse to pay tithes—voluntarily to pay tithes—if, as he stated, there was an array of physical strength directed against the payment of tithe—if these things were true, could they believe that, if they postponed this question for six months, without any expression of opinion on the part of parliament, when, according to the admissions of hon. members, the claim to tithe would have been practically extinguished, if not by open violation of the law, at least by that which was tantamount to it—could they believe that six months hence the “just compensation” would be easily recovered from the parties from whom it was admitted to be due? If there were a claim on the part of individuals now possessing property to receive an equivalent for the loss of it, and if it were the duty of parliament to provide that equivalent, was it not its duty to do so without delay? Why devolve that duty on a succeeding parliament? Why should not the same hands which inflicted the injury grant the reparation? In the terms of this resolution itself, therefore, he found sufficient reason for establishing some principle of legislation, which, whatever might be its other deficiencies, should at least mark the sense of parliament, that it was the bounden duty of the people of Ireland to obey the laws, to respect the rights of property, and to continue to afford that support for the established church to which the church had an unquestionable legal claim. The whole of the proposition made by the right hon. Secretary for Ireland was, that he should be allowed to bring in a bill, making that composition which had been voluntarily entered into by both parties—the tithe-receiver and the tithe-payer—in two-thirds of the parishes of Ireland, compulsory in other parts of Ireland, and permanent in all. And with what view? Why, for the purpose of laying the foundation of that very commutation of tithe which he inferred, from the admission of the hon. gentleman, was indispensable to the peace of Ireland. It was impossible, by the declaration of hon. gentlemen themselves, to derive the equivalent admitted to be due from the land of Ireland on the extinction of tithe, without some such compulsory measure as this. It was offered as a preliminary measure. The hon. gentleman (Mr. James Grattan) admitted, that it was right that there should be this charge upon the land. But that was a very barren admission, unless he informed the House how it was to be obtained from the land. He could scarcely thank the hon. member for that admission; nothing was gained by it. It was easy to say that vested interests ought to be protected—that it was not right that the Treasury should provide compensation out of public money—and that it was quite fair to levy the equivalent for tithe upon the land of Ireland. Nothing was more easy than to come down with abstract resolutions, admitting the justice of certain undeniable propositions, but failing to show how any one of them was to be practically enforced. Why, it appeared that the same gentlemen, who were foremost to admit the just liability of the land, objected to that of the landlord. Then what was the alternative? Why, distress upon the tenants. If the charge was to be upon the land, show us at least in what manner it is to be made. Here is an existing charge upon the land—a charge confirmed by repeated acts of parliament. That charge was resisted; passive resistance was brought to bear against it; the remedy was against the occupying tenant, through the medium of a distress upon his goods. What other remedy could the hon. gentleman give, if the landlord was not to be responsible? And if it was still to be distress on the goods of the occupying tenant, how should they be in a better condition hereafter? The hon. gentleman said, that tithe was not a tax upon the land, that it was not a legal charge upon the land. He could not see the least force in that observation. The hon. gentleman said, that the clergyman was not entitled to take tithe from the land, but that he must wait until the produce was separated from the land. Why, if he had a legal right to one-tenth of that produce, was it, or was it not, a virtual charge to that amount upon the land? In case the tenant refused or neglected to pay his rent to his landlord, what

was his landlord's remedy? An ejectment and a distress. What was the nature of a distress? Not a seizure or confiscation of the land, which already belonged to the landlord; the remedy was against the produce of the land. But what said the hon. gentleman to all that portion of the land of Ireland in which voluntary compositions had been entered into? The hon. gentleman objected to the law proposed to be introduced, because tithe was at present levied, not upon the land, but upon the produce. But in two-thirds of the parishes of Ireland, in consequence of voluntary arrangements, to which the tithe-payers were parties, the composition in lieu of tithe was made chargeable upon the land. It had been made a charge upon the land, because the parties subject to tithe preferred it rather than that the clergyman, exacting his strict right, should have the power of taking the full amount of tithe in kind. The distinction drawn by the hon. gentleman, in point of fact, amounted to nothing. The fact was, that there existed a legal right, which was opposed, either by an array of physical strength, by actual combination against the law, or by that evasion which was backed by physical strength, and depended upon physical strength alone to give it support to defeat the law. But let no landlord, let no proprietor of property of any kind in Ireland, trust to the security of his property five minutes after such a combination shall have been successful, after it shall have been able to defeat the legislature. The hon. gentleman argued as if, in point of fact, no violation of the law had taken place—as if the combined plan entered into by those who were dissatisfied with what they termed an unjust impost, was a legitimate means of escaping from a just debt. Now, if that position were correct, he would ask both English landlords and Irish landlords—for he wished not to separate them, and he had had too long a connection with Ireland to entertain a desire to say a harsh word with respect to any of its landed proprietors—he would ask the landlords, whether the same instrument of evasion, of practical defeat of the law, might not be again applied, for other purposes, and to other objects? Why, two years hence, if this feeling and these opinions should prevail, why might not some man of authority start up and advise that absentee property should be the subject of another and a similar combination? Might he not say, and say with equal semblance of truth, “I pay my rent upon the supposition that I have the advantage of the residence of my landlord; I, however, receive no such advantage; he takes the money over to England—and I, therefore, consider myself absolved from my obligation to pay the rent?” He could assure the House, that they had better decide this matter in time—better put a stop to such proceedings before it was too late to arrest their progress; for the same argument now used against church property might be directed with equal force against all other property. Might not the tenantry of Ireland say, at some future period, if these combinations were not arrested:—“The clergyman was resident: he did fulfil some duties, although his Roman Catholic parishioners dissented from him as to religion; yet, as we have succeeded, with the consent—at least with the tacit connivance—of the legislature, which closed its eyes to the gigantic march of insubordination—which had not the courage to look the question in the face—as we have succeeded with respect to tithe property, let us try the same experiment upon other dues, and apply the same principles to rent?” Was it not in human nature that there should be such reasoning as this in regard to other burthens? On these grounds, then, and looking, at the same time, with the most anxious apprehension to the state of Ireland, he was convinced that they could not by possibility gain any thing by abandoning the claims of justice. He did not see how it could be a conciliatory measure—at least, he could not reconcile such conciliation with common justice—to tell those who had a right to protection, that they were to be left, not only without a present, but without a future, chance of that protection, by abandoning this question in the present Session of Parliament. It appeared to him that the proposition of the right hon. gentleman was in conformity with justice. It might be met by an array of physical strength; but he hoped that a British Government, and a British Parliament, would be prepared to take upon themselves the responsibility of supporting it. He would not detract, on the present occasion, from any little support which it was in his power to give the government, by dwelling upon any minor points upon which, with respect to this bill, he might differ from them. To the substance of the bill he was a party. In that part of the report, also, which stated that the Committee did not overlook the great importance of the question; that, on the contrary, they thought it

one which involved, in many cases, a more adequate remuneration for the resident clergy—the abolition of the sinecures of the Church—and a more general appointment of resident Protestant ministers throughout the country; in that part of the report he agreed—those opinions he was ready to maintain. He was perfectly willing to consider, fairly and deliberately, every proposition for the redress of just grievances, knowing, as he did, the just force of many of the objections which had been made to the present tithe system. When the House evinced the disposition to redress every well-founded grievance, it stood on high ground, and had a right to require the people of Ireland to obey the law, and to respect the rights of property. The measure which the right hon. gentleman proposed, was not merely one marking the sense of parliament as to the necessity of an observance of those rights, but it was absolutely necessary as a preliminary towards the remedy of many evils. It was a preliminary step, necessary to be taken previous to making that commutation for which almost every gentleman professed himself a zealous advocate. By postponing this measure, therefore, they would postpone, at the same time, the introduction of that which was admitted to be so desirable. On these grounds he felt himself bound to give his support to the government; and he could not conclude without expressing his regret at the opposition which the measure had received from the landlords of Ireland. He regretted it with all sincerity, not only on account of the violation of the rights of other parties, but because he believed that their opposition, if it succeeded, would be ultimately fatal to their own rights, and tend to their own spoliation. He should support, cordially and firmly, the proposition of the right hon. Secretary for Ireland, for leave to bring in this bill.

After a long discussion, the debate was again adjourned.

RUSSIAN-DUTCH LOAN.

JULY 12, 1832.

Lord Althorp, having briefly introduced this subject, moved for a Committee of the whole House, to take into consideration the Convention with Russia, regarding the Russian-Dutch Loan, made on the 16th of November, 1831, and laid on the table, June 27, 1832.

Mr. Herries moved the following resolution as an amendment:—"That it appears to this House, that the payment made by the Commissioners of the Treasury, on account of the interest due by Russia on the loan made by Holland in January last, when the obligation and authority to make any such payment, had, according to the terms of the Convention of 1815, and the Act of Parliament founded thereon, closed and determined; and also when a new Convention, not then communicated to this House, had been entered into, recognising the necessity of recurring to parliament for the power of continuing such payment under the circumstances attending the separation that had taken it out of the case of the Convention, was an application of money not warranted by law."

A long debate ensued; rising after Viscount Palmerston,—

SIR ROBERT PEEL said, the noble lord had followed the line of argument which almost every speaker on that side who preceded him had taken, and had studiously confounded two questions, which were entirely distinct—the one, whether this country was under an obligation, of honour and good faith, to continue these payments to Russia; the other, whether his Majesty's government were warranted, by law, in advancing the money in January last? No two questions could be more distinct than these. The noble lord who commenced the discussion, was the first to admit that they were distinct, and ought to be kept separate. Why, then, after that admission from the noble lord, had these questions been confounded? Why, but because the pressure of argument against the conduct of government was so strong, that it became necessary to divert attention from it, by introducing a multitude of topics, with which that conduct had nothing to do. The first invitation to us to declare our opinion on the political question, came, not from a political character, but from the Attorney-general, who, of all persons, was peculiarly bound to confine himself to the legal part of the question. He it was who said, "Before you come to the question of law, tell us what you think of the policy of continuing these payments."

to Russia." That question was no doubt an important one, and many hon. gentlemen complained that no distinct answer had been given to it. He, for one, had no wish to evade it. He certainly thought that his Majesty's government ought to have explained to the House, what were the circumstances that imposed upon the House of Commons an obligation of good faith to support his Majesty's ministers in the view they took of this question. He had never held equivocal language on this subject; he had said from the first, establish that claim of good faith, and take the money; but, he repeated, that he thought it was too much, merely on the speech of a minister, to call upon the House of Commons, in spite of the letter of the treaty, in spite of the act of parliament, in spite of every document to which the House had yet had access, to admit that an obligation, in point of honour, to make these payments, still existed. The noble lord, the paymaster of the forces, on a former occasion, complained of this side of the House for pressing precipitately a vote of censure, without calling for the papers which existed, and to the production of which he intimated there would be no objection. Again, to-night, the hon. and learned gentleman, the member for Ilchester, intimated that the law-officers, before they gave their opinion, were aware of certain negotiations that preceded the convention, and which materially bore upon the character and spirit of that convention. Then he said at once, that it was incumbent upon the ministers, if there were documents which fortified their construction of the treaty—if there were documents existing in the foreign office, on which the law-officers grounded their opinion, to produce them. In 1815, though not a member of the cabinet, he was connected with the government, and was not aware of the existence of such documents. Still he could not deny the possibility of their existence; but if they did exist could there be a doubt that it was the duty of the government to take one of two courses—either to produce the documents, or to say at once, "On our responsibility, as ministers, we consider that their production would be prejudicial to the public interests, but we pledge our honour as to the fact of their existence." It was not fair to refer obscurity to negotiations and drafts of treaties which were neither explained nor produced; and to insinuate that the House was not qualified to judge, because it was not in possession of the whole case. The obligation on the part of this country was founded either upon the convention of 1815, or upon the new convention. If upon the latter, it was greatly to be lamented that his Majesty's government had not postponed this question; because, if it rested upon the new convention, we were pledging ourselves, by ratifying that convention, to an approval of the public policy of the government in reference to foreign affairs. It would thus become necessary to enter at once into a general discussion of the political transactions of this country. Whether that was advisable, with reference to the preservation of peace, the noble lord was the best judge. The transactions were not yet closed, and he should not enter into them without great reluctance; but if the noble lord said, "I call upon you to vote this money, because Russia has pledged herself to adhere to the policy of England with regard to the establishment of the independent state of Belgium," then he asked, was it possible to discuss the merits of the convention, without discussing at the same time the general policy of placing Prince Leopold upon the throne of that state; and, above all, the conduct which, throughout these transactions, the government of this country, and the other members of the conference, had pursued towards Holland? He should deplore the necessity of being called upon to enter into these questions, because he could not think, that in the state in which they then were, the full and unreserved discussion of them at that time, could contribute to their satisfactory settlement. It was unjust, therefore, for the government to force the House, under these circumstances, into the expression either of acquiescence or dissent in respect to the foreign policy of the government. On the other question, namely, whether the conduct of the government, in continuing the payments to Russia, was in conformity with law, he had only to repeat that he considered it entirely distinct—so that it would, in his opinion, be quite consistent to move a vote of censure on the government for violating an express law, and yet enable the government by a new authority to maintain the obligations of good faith and honour. A similar course had been pursued in many instances. With reference to the peace of 1763, to the peace of 1783, and to the peace of Amiens, votes of censure were moved upon his Majesty's government for making those treaties, and yet the House resolved to keep the treaties inviolate.

A similar course of proceeding might with equal justice and propriety be adopted on the present occasion. The real question now before the House was, the dry bare legal question, whether his Majesty's government were warranted by law in paying this money. He was surprised to hear the subject treated by gentlemen on the other side of the House, as if it were a matter of indifference whether or not the money was issued under the sanction of an act of parliament. To argue that that question was subordinate to another, namely, whether the country was obliged in good faith to pay the money, was to treat it as a matter of indifference. The country might be obliged, in good faith, to pay the money; but would any man contend, that it ought to be paid without the authority of parliament? The noble lord considered that a vote of censure was treating ministers with too great severity; but the resolution moved by his right hon. friend was the mildest mode in which the House could express its own opinion on the facts which had transpired. The noble lord must judge for himself whether such a resolution was tantamount to a vote of censure or not; but if the facts were, as they had been stated to be, it was the duty of the House of Commons to declare its sentiments on those facts in the language, not of severity but of truth. The noble lord (Althorp) said, "If you pass that Resolution, I shall resign my office." In the present awful state of the country—in the present state of our foreign affairs—in the present state of Ireland—in the present state of the West-India colonies—in the present state of our finances, he was not much surprised at the readiness with which the noble lord made that declaration. Still, if, as was his conviction, the issue of money which took place in January was not warranted by law, it became the duty of the House of Commons to take steps for the purpose of guarding against that issue being drawn into precedent; and, whatever might be the determination of the noble lord as to resigning his office, he would not shrink from giving his sanction to a formal proceeding, by which the example of the noble lord might not be drawn into precedent. The question was, Was the issue in January warranted by law? He admitted at once, that treaties ought not only to be observed; but that the intentions of the parties, rather than the letter of the official instrument, should be faithfully executed. All that the learned member for Calne had said—nine-tenths of the speech of the learned member for Ilchester—and all that the noble lord (Viscount Palmerston) had urged, were quite beside the present question. Granted that the construction of the treaty ought to be liberal, but it was the duty of ministers to apply to parliament to enable them to put that construction upon it. If there had been a case not foreseen by the Act, but coming within the spirit of the treaty, parliament would never refuse to supply the defect. This was the very point under consideration. It was said by ministers that the severance of the Belgian provinces from Holland by a revolution, was a *casus omissus* not provided for by the treaty; and that, that case occurring, and Russia being in no way responsible for its occurrence, a moral obligation upon this country remained to continue the payment. Supposing he admitted the full force of that argument—as he had admitted that the government ought to construe this treaty liberally—yet, what was the just conclusion from those premises? Why, the government ought to apply to parliament for a new authority, and not require the Auditor of the Exchequer to place a construction upon an Act of Parliament manifestly at variance with its express terms. Treaties which depended for their enforcement upon the sanction of an Act of Parliament, differed in principle from those upon which the Crown was competent to act without applying to parliament to sanction them. On such treaties it became the government to put a liberal construction; and, in such a case as that quoted by the hon. and learned member for Calne, in which one nation engaged to furnish pikemen to another, and being unable to fulfil that special engagement, felt itself bound to furnish musketeers—there could be no question that the spirit of the contract was justly fulfilled. But in treaties which related to the issue of money, where the Crown was obliged to resort to parliament to get that money, the Crown relinquished its right to construe such treaties, and was bound by the strict letter of the law. Where an Act of Parliament imposed obligations upon a minister of the Crown, in respect to the issue of public money, there was no more latitude given to that minister in the construction of such an Act of Parliament, than there was given to any other individual with regard to an ordinary

statute. The necessity of applying to parliament for its sanction, implied that it was the duty of the Crown to observe the will of the legislature expressed in a law; and therefore any act on the part of the Crown that dispensed with the law, was inconsistent with the spirit of the constitution. There would be no security in legislation if such a dispensing power were allowed to exist. He should like to take a man of plain common sense, who knew nothing of the technicalities of law, and leave this question to his decision. He should like to place before him the terms of the treaty as follows. The material terms of the treaty were these—"It is understood and agreed, that the payment on the part of his Majesty the King of Great Britain shall cease and determine, should the possession and sovereignty (which God forbid) of the Belgic provinces pass away or be severed from the kingdom of the Netherlands." Here—be it observed by the way—we implored Providence to avert, as an evil, the separation of Belgium from Holland, and now, consistently with our present policy, we must implore the same Providence to effect the very object which we before implored it to prevent, and we must now say, God forbid that the Belgic provinces should ever be incorporated with Holland. The Act went on to declare, that these payments were authorized to be made by Great Britain, according to the spirit of the treaty, as specified in the engagement. What was the engagement, the spirit, as well as the letter of this engagement? Why, surely that our liability should cease whenever the possession of Belgium should pass from Holland. Then the question was, Had the possession or sovereignty of the Belgic provinces passed away when the money was issued? Could any man doubt that fact? The money was paid in January, but the dominion had previously passed away. True, it was by a revolution, and not by invasion; but still the fact could not be disputed, that the dominion of the Belgic provinces had passed from the kingdom of the Netherlands, and yet, in spite of that specific enactment to which he had referred, the government issued the money. He would next refer to the objects of the treaties. The second treaty of 1815 referred to a former treaty of 1814, between Holland and this country. The object contemplated by that treaty was, to provide for the defence of the Belgian provinces, and their incorporation with Holland: England was to contribute a portion of such further charge as should be agreed upon by the contracting parties, as necessary for the final and satisfactory settlement of the Low Countries under the dominion of the House of Orange. The communication made by the Crown to parliament on that occasion was to this effect:—"I have a great object in view—I wish to incorporate the Belgian provinces with Holland—I have received from Holland her colonies—I have entered into a convention with that country to pay £3,000,000 of money for the express purpose of ensuring the incorporation of the Belgic provinces with Holland—I wish you to authorize me to pay this money, and I will consent that you shall prohibit me (for the act is not permissive merely) from issuing that money, provided the possession and sovereignty of those provinces shall ever pass away from Holland." They had passed away, and yet that money was still paid. Could any man assert that it was paid by authority of parliament? What answer had been given to this? To say that the spirit of the treaty required that the payment should be made, in spite of the express provisions of the law, was trifling with the subject. In fact, a new convention had been made with Russia, as if to prove that the former convention had ceased to be valid. That new convention placed the obligation on the part of England upon a totally new ground. This new convention stated, that it was the object of the convention of 1815 to afford to Great Britain a guarantee that Russia would, on all questions concerning Belgium, identify her policy with that which the Court of London deemed the best adapted for the maintenance of a just balance of power in Europe. Where could he find that such was the object of the first convention? It was very useful to insert these words, in order to provide a defence for the policy which government had pursued. It was very useful to state to the public that Russia would adhere to our policy, and consent to the separation of the Belgian provinces from Holland, if necessary. But how did it appear? By what public document was it shown that that was the real object of the convention of 1815? If the real object of that convention was to procure a guarantee from Russia, that, in all cases, she would adhere to the policy of England in respect to

Belgium, why was an article inserted in the convention, which, supposing a case of war between the parties, still enjoined that the payment of the money should continue on the part of England? In the convention of 1815 there was an express article to that effect. Supposing that the Netherlands being an ally of England, should Russia declare war upon that country, and actually occupy the Belgian provinces, was it possible to state that her policy would be identified with the policy of England? And yet, according to the convention of 1815, even under those circumstances the money must have continued to be paid. It might be very desirable that such should be the guarantee to be given for the future by Russia to England; but to say it was a guarantee given by the convention of 1815, was an assertion without any foundation. That convention was utterly at variance with the convention of the 16th of November, 1831, which recited, that the object of the former treaty was to identify the policy of Russia at all times with that of England towards the Netherlands. But if the second convention arose out of the same circumstances, and was a mere continuation of the obligation of the first, why had the government, in framing the second, departed from the terms of the first convention? He wished to ask, whether or not, supposing a war should break out between Russia and England, would the obligation to pay the money continue under the second convention? It was provided distinctly by the first, that war should not release us from the payment. Was the country, by this latter convention, now released from the obligation in case of war? Surely the omission of such an article as that contained in the original convention, must throw considerable doubt upon the nature and extent of our obligation. To have so important an article inserted in the first convention, and omitted in the second, was quite inexplicable. To return, however, to the main question, the only question of to-night's discussion. In case the House should be of opinion that there was no sufficient authority to issue this money under the Act of Parliament, there could be only one course which, consistently with its own honour, and in regard to its own privileges, it could pursue. It was not necessary to address the Crown for the removal of its ministers, it was not necessary to pass a vote of censure on ministers; but it was necessary to claim for the House of Commons the privilege of doing this—of saying to those ministers—"You have made a mistake; the issue of money has been contrary to law, and we will repair the error, and maintain the respect due to this House and to the law, by bringing in an Act of Indemnity." The noble lord said, he would not accept it; but it was the duty of the House to enforce it. The ground upon which the violation of the law was apparent, was contained in the documents supplied by his Majesty's government. It was not his intention to enter into the details of the case, nor to trouble the House with any legal argument upon the subject. He took what he conceived to be a stronger ground. On the 1st of January, the ministers issued payment of the yearly interest of this loan upon the old convention, and under the authority of the opinion of the law-officers of the Crown. On the 5th of June following they declined to make that issue, and placed upon record, by the authority of the Lords Commissioners of the Treasury, that they did not consider it possible at present to remit the sum required for the instalment which had then become due. Here, then, was a distinct admission, that the treasury had no legal authority to pay the money; and yet, in January 1832, that same treasury had made the payment which they declined in June as illegal. What had occurred in the meanwhile to make the payment illegal? There was no difference in the circumstances of the two periods. There was a convention signed on the 16th of November, but not ratified—it was signed, but not ratified in January—it was signed, but not ratified in June. In January they made the payment; a debate in this House took place as to its legality; in June the ministers declined to make the same payment, and gave as their reason that a new convention had been made in November, which had not yet received the sanction of parliament, not having been ratified. He wished to ask, why a convention signed on the 16th of November was not yet ratified? By the third article it was declared, that it should be ratified within six weeks, or sooner if possible; and yet, on the 5th of June—that is, after the lapse, not of six weeks, but six months—there was an admission on the part of the treasury, that the convention was not ratified. What were the reasons for that? Was Russia adhering to the policy of this country in respect to Belgium? If she was, why did she not ratify.

the convention? If not, how could the government have been satisfied in making the issue in January, when, on their own showing, Russia was bound by the first convention to identify her policy with that of England, or forfeit her claim to the payment? But what new fact had arisen constituting so material a difference between the two periods of January and June? It had been stated, that Russia had in the interim ratified the general treaty of the five powers, and, by that ratification, had at length agreed to the separation of Belgium from Holland. But the fact of Russia having recognised that separation made no difference in the case. Look at the terms of the king's speech; it was announced from the Throne to the parliament of 1831, that Belgium was separated from Holland, and that the Belgians had made choice of an independent sovereign; nay, we had even recognised that sovereign, and received a minister from his court. He asked, then, whether the mere fact of Russia having recognised the Belgian sovereignty, and acknowledged King Leopold, made such a difference with regard to these payments, that that which was legal in January should be illegal in June? It was impossible to find any thing in the treaty or in the Act of Parliament which countenanced such a construction. He said, then, that the House of Commons ought to take up this question; and, if the obligation be valid in honour and good faith, let parliament authorize the payment. Was it right, in a matter of this kind, that, after the power which the House of Commons had conferred on the Crown had, by the change of circumstances, ceased to exist, the Crown should take upon itself still to exercise that power, and that, too, in the issuing of the public money, over which that House had a chief and special control? The least that parliament could do for the vindication of its own authority was to pass an Act of Indemnity. And was that an unusual proceeding, or different from the course pursued in former times? Did not the right hon. baronet opposite (Sir James Graham) recollect, when the Crown remitted the four and a half per cent. duty upon foreign sugars, that nothing would satisfy him or the noble lord but an act to legalize the remission, and indemnify the government for having acted without due authority? Could any man say, that the bringing in an Act of Parliament with a view to vindicate the privileges of this House, and to correct an error on the part of a minister of the Crown, was such a reflection upon the conduct of that minister as to justify his resignation of office? What was done in the case of Boyd and Benfield, in the year 1804? In the year 1795, Mr Pitt advanced the sum of £40,000 out of the public treasury to Boyd and Benfield, to enable them to make good an instalment of a loan for which they had contracted. He took good security for its repayment, and every single farthing was ultimately repaid. The country was then at war. Peace at length took place, and, in consequence of an enquiry instituted before certain commissioners, this transaction was discovered, and it was at the same time also discovered, that not one single shilling of the public money had been lost; but yet it was considered that the issue of that money was not authorized by law. The question was some years afterwards brought forward by Mr. Fox and Mr. Whitbread, who insisted that the transaction should be covered by a Bill of Indemnity. They brought forward a resolution, not involving the censure of the government, but declaring the fact, that the issue of the money was not warranted by law. The resolution admitted the advance of £40,000 to Boyd and Benfield upon unquestionable security, which sum was adopted for the purpose of averting very serious injury to the commercial world—still it was deemed essential to declare it to be unwarranted by law, and Mr. Lascelles afterwards obtained leave to bring in a Bill of Indemnity. If, then, parliament on that occasion declared that that issue was not according to law, if no opposition to a Bill of Indemnity was offered by the minister who made that issue, although the transaction had taken place nine years before, why should the parliament of this day relax in its vigilance over the conduct of ministers with regard to the disposal of the public money? It certainly ought not to do so. He knew the constitution of this country was about to undergo a material change. He knew that that change was mainly defended on the ground that the House of Commons had not exercised that control over the public purse which it ought to exercise, and had not been sufficiently vigilant in guarding the public finances. Let the present House, then, have the satisfaction, before it expired, of doing its duty, and of showing to the public, that this last impeachment of its character was not a just one. His own conviction was, that the

issue of money in January last was not according to law. If he had to give a verdict as a jurymen, he would declare that there was nothing, either in the Act of Parliament, or in the convention, which warranted that issue. He did not deny that treaties ought to be construed liberally, and that the obligations of good faith ought to be religiously maintained; but he also contended, that it was consistent with the liberal construction of treaties, and with the perfect preservation of the national faith, that parliament should perform its duty to the country; that, in all cases of proved illegality, or even of rational doubt, it should vindicate its own authority; and should take care that no ministry, though backed by a triumphant majority, should usurp the privileges of the House of Commons, with regard to the issue and control of public money.

The House having divided on the amendment, the numbers were—Ayes, 197; Noes, 243; majority, 46.

The House then went into committee, *pro forma*.

The House resumed—committee to sit again next day.

TITHES (IRELAND).

JULY 13, 1832.

On the motion of Mr. Stanley, the Order of the Day for the adjourned debate on the Composition of Tithe (Ireland) Bill was read.

The speaker having put the original question and the amendment—

Mr. O'Connell, Lord John Russell, Mr. Grattan, Mr. Stanley, and several other members addressed the House, after which—

SIR ROBERT PEEL rose, and proceeded to address the House, but was received with loud cries of "Spoke! Spoke!" Since he had spoken, amendments had been made and questions of adjournment put, and on every one of those he had a right to speak. He was about to say, that he approved of the first part of the speech of the noble lord, the member for Devonshire, [*renewed cries of "spoke! spoke!"*]

The Speaker having been appealed to, said, during the two nights' discussion, there had been three or four motions for adjournment, on each of which motions every member, although he had before spoken, was again entitled to address the House. If he were called on to decide, whether any hon. member spoke only to the question of adjournment, or introduced into his speech the main feature of debate—he professed his inability to determine.

Sir Robert Peel proceeded. He would compromise with hon. members opposite, by assuring them that he should be very short in the observations he had to address to the House. He was chiefly anxious to declare his entire concurrence in all that fell from the noble lord opposite in the former part of his speech. He looked upon it as the paramount duty of that House, without reference to divisions of opinion upon party questions, to support the government in their efforts to put down the conspiracy against the laws now existing in Ireland. It was of the utmost importance, too, that throughout Ireland and England it should be known that they were ready and determined, under all possible circumstances, to support his Majesty's government in enforcing obedience to the laws. It was totally unnecessary for the noble lord to vindicate his character against any imputations of being unfriendly to the liberty of the subject in the course he was determined to pursue. How could he show himself a greater friend to the liberty of the subject than in opposing with all his force those enemies of all liberty, the abettors of the vilest system of tyranny that the friends of liberty were ever subjected to? Liberty? Good God! what liberty could there be where, if a man showed a disposition to pay his just debts, he became the object of immediate and almost unanimous persecution? It had been well said by Madame Roland, as she was hurried to the scaffold, "Oh, Liberty!" (she was passing the statue of Liberty) what crimes are perpetrated in thy name! What could be worse than the system of terror at present going on in Ireland? It was their duty to assist the government in causing the law to be respected; and if the existing law, in which he had great confidence, had been exhausted, and had failed in restoring order and obedience, let the executive government resort to parliament, and doubt

not they would be supported. What was the question? It was not whether a receiver should be appointed, but whether a conspiracy to defraud men of their legal rights should be triumphant or not? The proposition of the noble lord was most reasonable, and it was highly beneficial and consolatory in its nature to the Roman Catholics. God grant that those who set the example of the non-payment of tithe might never profit by it! It would be much better hereafter, if spoliation were not now successful, for those who were urged on to the plunder. He had no interest in the avowal of these sentiments. He was not now connected with the church of Ireland or of England, as he had formerly been, neither did he expect again to be so connected. But wishing what was right to be done, and that an illegal combination should not triumph, he was determined to give all the support in his power to his Majesty's government in whatever measures might be necessary. He had heard of conspiracies against governments; he had heard of conspiracies against party ascendancy, conspiracies to put down one form of government and to set up another; he had heard of conspiracies against illegal ordinances, as of late in France; but of all the ignoble conspiracies he had ever heard of, that was the basest which sought to defraud individuals of their just dues. The government, he hoped, would be firm. Combinations of physical force must be put down by law; but he would prefer seeing them put down by the influence which men of education ever possessed over the minds of the ignorant and deluded. Depend upon it, if the conspiracy against tithes remained, and the legislature suffered it to triumph, there would be no security for any species of property, or for the execution of any law by which property and life were protected.

The House then divided on the amendment:—Ayes, 32; Noes, 124; majority, 92. The original question put, and leave given to bring in the bill.

RUSSIAN DUTCH LOAN.—CONVENTION.

JULY 16, 1832.

Lord Althorp moved the Order of the Day for the House to resolve itself into a Committee of the whole House, to take into consideration the Convention with Russia, November 16, 1831.

Mr. Baring moved, as an amendment to the Order of the Day, "That an humble Address be presented to his Majesty, praying his Majesty to be graciously pleased to direct that there be laid before that House, copies or extracts of any documents relating to the Convention of the 19th of May, 1815, between Great Britain, Russia, and the Netherlands, explanatory of the spirit and objects of that Convention."

Mr. Robinson seconded the amendment.

A long discussion again ensued, towards the close of which,—

SIR ROBERT PEEL said, that if he understood the charge of the noble lord against those who opposed the government, it amounted in truth to this, that the Opposition had not been so factious as to declare that they would resist the payment of money to which there was an equitable claim; that they would not advocate a breach of national faith, although they were desirous to vindicate the honour of parliament. They were actually accused of having omitted to avail themselves of the most likely topic to catch popularity, and taunted for not declaring that they would resist the payment of the money to Russia under all circumstances. He had distinctly said, from the outset, that he would not pledge himself to any thing of the sort; he was told by the economists, "Only hold out the hope that the money shall not be paid at all, and we will give you our support;" but he had said, that he would support national faith at whatever cost. He had always said, that the money was a trifle compared with the maintenance of public honour; but while prepared to satisfy every equitable claim upon the country, he also wished to make ministers responsible for misconduct, and to vindicate the dignity of parliament. The readiness on his part to forego the advantage of the argument from economy was a sufficient answer to the charge, that the Opposition were aiming only to unseat the government. The noble lord had said, that the hon. member for Middlesex had acted most wisely by refusing to allow himself to be entrapped by plausible motions; but

unfortunately the eulogium on this occasion was not just. The hon. member was, undoubtedly, not hasty in supporting the opponents of the ministers, but, on the first occasion, when those ministers were the hardest run, and when, as the noble lord said, the Reform Bill itself was in danger, the member for Middlesex had been entrapped, and, regardless of national faith, regardless of the fate of ministers, regardless too of the danger to the Reform Bill, he actually voted in the minority. Not only, then, was the eulogium not just, but, after what had occurred in the passing of the Reform Bills, it was most unfortunate. The hon. member had voted in January that the payment of the money was illegal; in July he voted directly the reverse; but, to console his opponents, he told them that he knew his vote was a dishonest one, and that he gave it to preserve the ministers in their places. The hon. member said, he had voted repeatedly against his conscience and his judgment, and would do so that night to preserve the ministers in their places. A more extraordinary exhibition of candour he had never witnessed; and the noble lord urged, in defence of the strange avowal they had heard that night, that it was wise and proper for a person associated with a party to give up his own particular opinions, on peculiar points, for the interest and advantage of the whole body. Oh, if a member for a rotten borough, if a representative of those small constituencies condemned by schedule A, had made such an avowal as they had heard from the member for Middlesex; if he had dared to declare that he voted black was white, and white was black, against his reason and conscience, merely for the purpose of maintaining a ministry in their places, what an indignant outcry would there have been against such shameless and profligate conduct! Why, those very boroughs had been condemned, because it was alleged that the members returned for them did not vote upon their conscientious view of each particular question, but voted with their party, and supported that party upon every subject, without reference to its merits. But the member for Middlesex was a privileged man, and could take a liberty with his conscience not allowed to the members for smaller constituencies. Much should he like to hear that hon. member addressing his constituents upon the subject. He could shadow out in his mind the very words that would fall from the hon. member. He would say, "Pledges from me must be unnecessary. My votes in parliament are before you. Examine them, compare them, and in them you will find the perfect mirror which reflects my parliamentary conduct." But surely it would be most perplexing to the hon. member, if any of his constituents should take upon himself to enquire, in return, to which class of contrary votes they were to refer, and should demand some test by which the black votes might be distinguished from the white. And, possibly, as the votes of the hon. member seemed to be so nicely distinguishable by their colour, if there should be a few of an intermediate shade, the electors might characterize them as the Grey votes. They might ask him to reconcile the difference between the January and the July votes. They might say, "Upon which of these two votes do you mean to rely? Is the January vote or the July vote the black one?" The member for Middlesex did not deserve the eulogium of the noble lord, for his black votes and his white votes were given, in contradiction to each other, under circumstances precisely the same. The defence, that he sacrificed his opinion to the interests of his party was not available for him. In January, the hon. member gave a white vote, and opposed the ministers upon this question; and now he gave a black vote, and supported them. But let it be remarked, that in January the Reform Bills were not passed; and the government was extremely hard pressed, having a majority of only twenty-three; while now the Reform Bills were passed, and the government had managed to procure a majority of forty-six. The hon. gentleman was, therefore, without the shadow of an excuse for his inconsistency. He thought they might lay aside the questions which had been argued on preceding evenings. The question now was, whether or not they should have information, acknowledged to be in existence. The noble lord said, that the opponents of government first attempted votes of censure, and now, when it was too late, they asked for information. They were told it was too much to inflict censure, without having before them the information upon which the government had acted. They then asked for the information, and it was refused, without even an allegation that to grant it would be inconvenient to the public service? The noble lord said, that the payment to Russia was made for services done and performed by Russia, which were noto-

rious, and which required no explanation. But did the House remember the pathetic appeal of the Solicitor-general? "Oh!" said the Solicitor-general, "if you had seen what I have seen, if you had had access to the pile of documents I have waded through, you would have no hesitation in granting the money." When the House asked for a sight of these convincing documents, the noble lord got up, and quoted to them *Hansard's Parliamentary Debates*, and the reports of Lord Castlereagh's and Lord Liverpool's speeches. He never could believe that the documents so pathetically alluded to by the Solicitor-general were two speeches of Lord Liverpool and Lord Londonderry, to which every human being had access in that most excellent work. If the noble lords wished to convince the House that they had acted correctly in this transaction, let them produce the official documents on which their judgment professed to be founded. It was vain for them to rely upon a majority of forty-six; vain for them to call a motion for information factious. The only sufficient answer would be the production of the documents. But the noble lord said, it was extremely clear that the money was to be paid to Russia for past services performed; why, then, did the noble lord require a new convention? The preamble of the second convention certainly referred to the first, and it expressly recited it; but nothing whatever could be found in it about the past services of Russia. It stated the consideration to be, the adhesion of Russia to the general arrangements of the Congress of Vienna. If it were true, that the original payment to Russia was made on account of services rendered to the general cause of Europe and sacrifices made by Russia, why did the second convention allege, that the equivalent which England was to receive from Russia in return for the continued payments was this, that Russia would not contract any new engagement respecting Belgium, without a previous agreement with his Britannic Majesty, and his formal assent? Where, then, was the justification of the assertion, that the two treaties were founded upon the same consideration? The government gave to the House conflicting documents. The one corresponded not with the other. The noble lord contended that the money was due to Russia for old services. Then why the new condition in the second convention? The preamble bound Russia, in consideration of the continuance of the payment, to identify her policy with that of England with respect to Holland. That, he contended, was entirely a new condition; and how could it be maintained, that if the money was fairly due to Russia for former services performed, it was now just to impose upon Russia, as a condition of payment—that she should change her policy with regard to Holland so often as the policy of this country was changed? The question had been repeatedly asked, Was this money to be ultimately paid or not? He would say this; unquestionably it was to be paid, if the country was bound to its payment by good faith. He would not tarnish the fair fame of the country for any sum whatever, upon any occasion, but more especially upon an occasion on which England had received a valuable consideration. When we incurred this responsibility on the behalf of Holland, we received from that country the colonies of the Cape of Good Hope, Demerara, Essequibo, and Berbice; we still retained those colonies, they were valuable possessions, and therefore we were the more strictly bound not to shrink from any equitable obligation we had incurred. He agreed with his hon. friends that the money might be due from England; but to whom ought it to be paid? He could by no means admit that the first convention justified the second as a matter of course; but still there might be circumstances, not at present known to the House, which would still call for the continued payment to Russia, and authorize the new convention: but what those circumstances were, the House had a right to know before it was called upon to ratify the convention. The noble lord said, this country was bound to continue the payment to Russia by the good faith that power had evinced. It appeared that, when the separation was about to take place between Holland and Belgium, Russia said, "I am ready to fulfil the treaty; my troops shall march upon Belgium, to continue the incorporation." "Oh! no," said England, "our policy is altered; we wish the separation to take place." "Very well," was the reply of Russia; "continue to me the payment, and I am ready to subscribe to your policy with respect to Holland and Belgium." Such might be the fact; but, if it were, it ought to be established. The documents proving that to be the case, ought to be in the possession of the House before it was called upon to ratify the treaty. The

king might make a new treaty under a new system of policy; but it was for the House to say, in a case in which the payment of money was concerned, whether it would enable the king to execute such a treaty. If it were proved that this country had induced Russia, by a promise of the continuance of the payment, to act in the manner she had done, that gave rise to a new case, and a new convention was necessary, the policy of which depended upon many mixed considerations. He had said, he was not free from doubts as to whom the money ought to be paid. An hon. member (Mr. Gisborne), who had argued the question ably, had said, that Holland was badly used; but the same hon. member contended, that England was exonerated from making the payment to Holland, on account of the unjust and impolitic conduct of that country to Belgium. That argument appeared to him most unsatisfactory. The hon. member admitted that Holland had a right to refuse to pay her part of the loan to Russia. Let him suppose that the whole of the loan had been payable by Holland, and that that country had retained possession of the colonies she had given up to this country; how then would the case stand? If Holland was justified in refusing to pay a portion of the loan, surely she would, in the case he was supposing, be equally justified in refusing to pay the whole; and, therefore, if this country had not been put in possession of the Dutch colonies, Holland would have retained her colonies, and would have no debt to pay. But England had the colonies; and to what power then, according to the reasoning of the hon. member, ought England to make the payment of her portion of the loan? Surely to Holland. It might be very convenient, for ensuring Russian acquiescence, to make the payment to Russia; but certainly, according to the reasoning of the hon. member (Mr. Gisborne) it was any thing but just. But he never would admit that Holland had behaved with harshness or injustice to Belgium, or that the revolt was justifiable by the conduct of Holland. The revolution in Belgium followed as a consequence from the revolution in France. If the French Revolution had not occurred, they would have heard nothing of the separation of Belgium from Holland; and we had no pretext in the misconduct of Holland, for exonerating ourselves from our pecuniary obligations to that country. He wished not to enter upon the question of the policy pursued by his Majesty's government with respect to Belgium; but he could not help smiling when he heard an hon. member contend, that to place Prince Leopold on the throne of Belgium was a matter of great advantage to this country; because, forsooth, that prince had formerly been allied to a daughter of the king of England. What did the hon. member think of the alliance which the king of Belgium was now about to form? If a matrimonial alliance that had now ceased fifteen years was to have so powerful an influence over King Leopold's politics, what did the hon. member think would be the effect of a marriage with one of the daughters of the king of the French? If the former connexion had made Leopold an English prince, would not the new connexion make him a French prince, and would not all the advantages of placing him on the throne, which were expected to belong to England, in reality belong to France? He implored the government not to drive the House to a premature discussion of those matters. The payment could not rest upon the old convention, but must depend upon the new, mixed up with considerations arising out of the old. The government had been rescued from a vote of censure, and might therefore, without difficulty, consent to a postponement of the question. He asked not for an indefinite postponement, but as long a one as the duration of the session would authorize. A premature discussion on Belgian affairs was open to great objection. It was true that the five Powers had agreed to the separation, and had recognised King Leopold; but it was also true that none of the necessary arrangements were yet completed. The last article of the convention clearly proved, that the period for decision on the merits of that convention had not yet arrived. It assigned, as the reason of the convention, the preservation of the peace of Europe. How did they know the peace of Europe would be preserved? He hoped to God it might; but, under the present circumstances, it was utterly impossible to affirm that it would. He wished not to enter upon that question; he wished not to say a word upon the conduct of this country with respect to Belgium. On the contrary, he, and those who acted with him, had carefully, upon all occasions, abstained from provoking debate on the question of Belgium. He had strong feelings upon the subject, but he had been unwilling to enter into a premature discussion. These

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negotiations were drawing to their close, and, whether they would end for good or evil, the march of time would soon disclose. Holland had been told, that by the 20th of July she must concur in the treaty, or force would be employed to compel her assent: and with such a declaration, was it decent or wise to call upon the parliament to ratify the convention now before the House? He had no doubt as to what the conduct of Russia would be; he had no doubt that she would keep her engagements to England respecting Belgium; but why should they be called upon to sanction the new convention, until the negotiations now pending, as to the future relations between Holland and Belgium, were brought to a close. There were rumours that a French and English fleet were to be united for the purpose of constraining Holland to submit to the treaty. He trusted such was not the case; but, if it were, it was most unfair, in such a state of affairs, to compel a decision by the House of Commons as to the policy of a new pecuniary engagement to Russia. With respect to the alleged conduct of Russia to Poland, he was glad to find that all agreed in thinking that that subject had no connection with the present. He had heard some statements in the House respecting the conduct of Russia to the Poles, and he believed many of them to be unfounded in fact. It had been stated that thousands of children had been torn from their parents, and banished into Siberia; he had expressed his disbelief of that assertion, and he had since been informed, on good authority, that those children were orphans—made orphans, he regretted to say, by the calamities of war—and that they had been placed in Russian schools, not for the purpose of separating them from their parents, for they had none, but for the purpose of providing for them in their helplessness, and giving them education. So viewed, that which, under another aspect, appeared an act of gross cruelty, might be a humane proceeding. He was thankful to the House for the attention with which it had heard him, at so late an hour, and concluded by entreating the government not to drive the House to a division. If it obtained another small majority, that majority would not convince the country that the conduct of ministers had been justifiable.

The House divided on the amendment:—Ayes, 155; Noes, 191; majority, 36. The committee postponed till the following day.

JULY 20, 1832.

On the question that, "It is the opinion of this Committee, that his Majesty be empowered to continue the payments under the Act of the 55th year of George III., agreed to by the treaty of the 19th of May, 1815, between England, Russia, and Holland," being put from the chair,—

Mr. Mills moved as an amendment, "That the Chairman do leave the chair."

A long and protracted debate followed. Rising after Mr. Hume, who had rated the hon. member for Preston (Mr. Hunt) for his determination to leave the House previously to the division, while the latter accused Mr. Hume of voting against his conscience,—

SIR ROBERT PEELE observed, that he did not rise for the purpose of arbitrating between the two hon. members. Indeed, he should have great difficulty in deciding which of the two was taking the most unparliamentary course. The hon. member for Preston had, however, relieved him from considerable apprehension, by stating, that he would not vote on the same side with himself (Sir R. Peel) and his hon. friends; for, after the avowal of the hon. gentleman on the subject of national faith, he began to entertain some fear lest he should be found in the division on the same side with the hon. member for Preston. With respect to the question immediately before the committee, very little remained to be said; the subject was completely exhausted, and he had already stated, in his former speeches, the impression on his mind. He must, however, allude to one of the extraneous topics introduced by the right hon. Secretary for Ireland, connected with foreign policy. The right hon. gentleman, in contending that there was no occasion for the production of papers in the present instance, and that the House ought to be content with the declaration of ministers, referred to a particular case in a manner which showed that his recollection of the subject was imperfect. The right hon. gentleman stated, that the present government had found themselves bound hand and foot by the engagements of their predecessors, who consented to guarantee a loan of £800,000 in aid of Prince Leopold, on his election to the throne of Greece. The right hon. gentleman had no right to say, that the hands of himself and coadjutors were tied by the last ministers.

They were no parties to the original treaty of 1827; but when they came into office, they found themselves compelled to fulfil the treaties made by their predecessors. The Duke of Wellington, in 1830, three years after the treaty had been made, and not very long after he came into power, was engaged in the consideration of the Greek question. Prince Otho of Bavaria was then proposed as the sovereign of Greece, and the Duke of Wellington objected to the appointment of that prince on account of his youth, he being then not more than fourteen. After considerable discussion, the Powers parties to the treaty agreed to the nomination of Prince Leopold, and the question of pecuniary aid was proposed. The Duke of Wellington said, the government of England had never given pecuniary aid in such a case, and refused to accede to the proposition. Prince Leopold then applied to the three sovereigns, and declared he would not accept the throne of Greece unless the money were advanced. The government of the Duke of Wellington being anxious to establish a sovereign on the throne of Greece, did, at last, reluctantly concur with Russia and France, rather than, by withholding their consent from the proposed arrangement, deprive Greece of the services of Prince Leopold, and separate the policy of this country from that of France and Russia. The right hon. Secretary might have contended, that the present government found themselves bound to guarantee a loan to Prince Leopold; but he was not warranted in saying, that they were pledged by the acts of a former government to guarantee a loan to any other prince. To come to the question immediately before the committee, he admitted that it was a case involved in considerable difficulty. He could conceive, that circumstances might be established, which would compel him to acquiesce in the payment of the money to Russia. He had some doubts as to whom the money was payable, and as to the justice of the arrangements into which this country was about to enter. These doubts might, however, be removed by explanation; and he must say, that, while England retained possession of the colonies wrested from Holland, she ought not to be very astute in finding reasons for excepting herself from the terms of her contract. With the information at present before the House, he was not prepared to state, whether the payments were due to Holland or to Russia, but to one or other they were, in his opinion, due. If his vote were to imply a decided opinion that the money was not due to Russia, he would not give it. The right hon. gentleman assented—and it was an important admission—to the opinion he had formerly expressed, that the obligation of this country arose out of mixed considerations. His impression was, that there was a doubtful claim on this country, arising out of the convention of 1815; but he had admitted that there might be other considerations, independently of the convention, which would justify ministers in promising to pay the money to Russia; that if they could show him that the payment of this money would enable them to maintain the peace of Europe, and to bring the pending negotiations to a satisfactory conclusion, he was prepared to give them his support. But why did the ministers press a vote, when they were unable to give the House satisfaction upon these points? It was clear from the right hon. gentleman's admission, that this question depended on mixed considerations; but he objected to being called upon to confirm the arrangement until he was satisfied by the production of documents of the extent of each of these mixed considerations. The negotiations were not complete, and they were, perhaps, the most important for the honour of England, for the independence of small states, and for the general tranquillity of Europe, in which this country was ever engaged. The right hon. gentleman said, that the government which preceded the present determined on the separation of Belgium from Holland. Here again he was incorrect. The former ministers were called upon to interfere as mediators. In compliance with the treaty of 1815, the king of Holland applied to the great Powers for counsel. England at once told him, that she was not prepared to assist him in re-establishing by force his authority over Belgium; but when the late ministers left office, it had never been decided that Belgium must, of necessity, be transferred from the dominion of the house of Nassau. He had even some recollection that the present Prime Minister had been taunted in the Belgic Chamber of Deputies for having expressed a hope which pervaded almost every British mind, that Belgium might be established as a separate kingdom under the authority of a prince of that illustrious family. That alone was sufficient to prove, that the complete independence of Belgium of the house of Orange, was not decided upon when

the present ministers entered office. But further, at the very time when he and his colleagues resigned office, an hon. gentleman (Sir J. C. Hobhouse) had a notice of a motion in the Book, the object of which was, to compel the government to explain their supposed conduct, in favouring, not the separation of Belgium from Holland, but the king of Holland against his revolted subjects. But to return to the ground on which he objected to being pledged to the arrangement now proposed—namely, that he was in possession of no information respecting the negotiations which were now being carried on. What course had the government pursued with respect to Greece? The loan to Prince Otho had been guaranteed for a considerable time, and yet the House had not been called upon to ratify the treaty; and the reason assigned by the noble lord for this delay was, that government wished first to lay upon the table of the House every protocol connected with the negotiations. If ministers pursued this conduct with respect to the Greek loan, why did they call upon the House to sanction the proposed arrangement with respect to Russia, without information? It might be said, that the money was now due, but it had been due in July, and was not then paid. No further payment would be due until January; by which time, in all probability, pending negotiations would be brought to a close. Why, then, force the House now to express an opinion? He could not conceive what answer could be made to this question, in a parliamentary point of view. Was there ever an instance in which parliament had been called upon to vote public money, arising out of negotiations, whilst they were yet pending? During the time these negotiations had been carried on, he and his friends had abstained from expressing any opinion concerning them, and had brought forward no motion calculated to embarrass the government. And yet, before the negotiations were concluded, the government called upon the House to vote the money. He made no objection to the amount. He did not deny that his impression was, that there might be good and sufficient reason for the payment of this money, although it was not to be found on the face of the treaty; but he contended that it was contrary to all parliamentary custom, to call upon the House to pronounce an opinion on the subject before it was put into possession of any information. The object of the arrangement professedly was, to induce Russia to unite her policy with ours, to preserve the balance of power and the peace of Europe. He asked, whether the measures which ministers were pursuing were likely to preserve the peace of Europe? In the second article of the treaty, now upon the table, Russia engaged, if the arrangements at present agreed upon should be endangered, not to enter into other arrangements without the concurrence of England. The arrangements were in danger at the present moment. Negotiations, it might be said, were yet pending; but, if that were a complete answer against the giving of information, it was also complete against calling upon the House to vote the money. Had the ratifications of the treaties of 1831 been accompanied by any reserve? If so, ought this important point to be concealed? In the whole of Europe, the English House of Commons was the only place where no information was to be obtained on these points. Communications had been made to the Chambers of Holland and Belgium; every foreign newspaper had contained authentic copies of documents, which were most important in explaining the policy pursued at different periods of the negotiations: the House of Commons, however, possessed not a tittle of information on the subject. This course was according to precedent, because the negotiations were pending; but it was equally in conformity with precedent that, under these circumstances, the House ought not to be called upon to pledge itself to the payment of the money. It had been stated in an official newspaper, published in Holland, that Russia accompanied the ratification with an important reserve. The treaty before the House contained twenty-four articles, the execution of which was guaranteed by the contracting parties; but those articles, as far as the distribution of territory was concerned, could not be acted upon until Holland and Belgium should sign and ratify another treaty. The first question then was, Had Belgium and Holland signed the treaty on which the execution of the other depends? The answer was, No; they had not. Under these circumstances, it was practising a delusion on parliament to talk of the treaty being ratified. It was well known that Holland insisted on the modification of three articles contained in this treaty. She insisted on not being compelled to abandon Luxemburg—on not being compelled to permit the free access of Belgic navigation to artificial canals—and on

not being compelled to permit the Belgians to make the military roads through the new territories assigned to them. It was premature to enter into the question, whether Holland was right or wrong in insisting on these points; but it was a notorious fact, that Russia had accompanied her ratification of the treaty with this reserve—that Holland shall not be compelled to consent to the articles which she objected to. This, he might remark, was a proof that the policy of Russia was not concurrent with ours. It was evident that, if this reservation of Russia were insisted upon, it would be fatal to the treaty, and therefore it was not treating the House fairly to make the dry statement, that Russia had ratified the treaty, without informing it whether her ratification was accompanied with such a reservation. The House ought, also, to be made acquainted with the reasons why the treaty was not ratified at the appointed time. It was stipulated that the ratifications should be exchanged within six weeks after the signing of the convention. The signatures were affixed to the convention on the 16th of November; but, from a paper signed by Mr. Pemberton, by order of the lords of the Treasury, it appeared that the ratifications were not received on the 4th of June. That was an additional proof that the policy of Russia was not concurrent with our own. Was it so, when Russia ratified with a reservation? Did that reservation still exist? If so, was it consistent with our policy? It was a mere mockery of the functions of the House of Commons to require it to fulfil the conditions of this convention, whilst ministers were unable to explain the state in which the negotiations stood at the present moment. It had been justly observed by his hon. friend, the member for the University of Oxford, that it was a critical day. The 20th of July was the day, by which it had been intimated to Holland by France and England, that the treaty must be signed. This, at least, was understood to be the case. Documents had been published, which contained a threat that force would be applied to compel Holland to give her consent to the treaty. Holland said, that she would ratify the treaty, provided the articles to which she objected were altered. The conference replied, "You shall ratify first, and try to get the articles altered afterwards." Holland very naturally objected to this arrangement, because she thought, that when she applied to Belgium to alter the objectionable articles, Belgium would reply that the treaty had been ratified, and Holland must be bound by it. This was the state of the case; and the House of Commons ought to have been consulted before any naval armament was undertaken, or any demonstration of a warlike nature made. The House of Commons had a right to know the causes of war, if war were intended: and he considered a hostile attack upon Holland, by whatever name qualified, substantially the same as war. The right hon. secretary for Ireland had taken a rather sanguine view of our domestic affairs, and plumed himself particularly on the improved condition of Ireland at present, as compared with that of 1830. He should not envy him the merit of any success which might have attended his efforts to ameliorate the condition of that country, if he could bring himself to believe that it had taken place; but, from all the information which he had the means of procuring with regard to the state of Ireland, he was induced to think, that that country was never in a situation calculated to excite greater alarm than at the present moment. But with respect to foreign affairs, with respect to those countries which were the immediate subject of consideration, we could not long be kept in suspense. Peace or war had arrived, which must, within a very short time, terminate either in peace or in an interruption of peace. Again, then, he said, let them consider well the ground of war; if war they were about to have with Holland—war to compel her, against her will, to do something inconsistent with her honour, or with her independence. Beware of that. England had before been in alliance with France against Holland. Remember the relation in which she had stood towards that country—remember the period—that disgraceful period—in the reign of Charles II., from the year 1670 to the peace of Nimeguen in 1678; look to the alliance between England and France at that disgraceful period; remember the terms of that alliance, and the relations in which we had stood towards France, and towards the House of Nassau. He remembered the indignant terms in which Mr. Fox spoke of the disgraceful and unnatural alliances which this country entered into with France at that period. He said, that his blood boiled at the contemplation of the disgraceful policy which was pursued by this country. He conjured the ministers to satisfy the House, if they were about to

enter into alliance with any power to coerce a third, of the justice of that alliance. Let them bear in mind what could be done by a gallant people attached to freedom, who now seemed to rally round their sovereign with the unanimous determination to encounter every extremity, rather than submit to injustice or disgrace. Remember the siege of Haarlem—remember the exploits that had been achieved on that and numberless other occasions by the same gallant nation. Before ministers asked the House to sanction a new crusade against Holland, implying approbation of their policy, let them accede at least to this reasonable request, that they would either afford the House information respecting the nature of our foreign relations, or postpone this vote. These were the grounds upon which he protested against being made a judge in the question at present before the House. He had not the necessary information to enable him to give a vote upon it. The present agony and crisis of Holland was not the time for calling upon the House for a ratification of this treaty. Let it be remembered, that this vote was for the postponement of the question, and not for its rejection. The course which he, for one, should pursue, should the House determine to ratify this treaty, would be to vote a negative, and leave the responsibility of the transaction upon those who proposed it; but with a solemn protest, on his part, against the unfairness and injustice of the proceeding.

Viscount Palmerston having replied, the committee divided on the amendment: Ayes, 112; Noes, 191; majority, 79.

The original resolution was then put and carried, and the House resumed.

SUPPLY—NATIONAL GALLERY.

JULY 23, 1832.

The House having gone into a Committee of Supply,—Mr. Spring Rice moved for a grant of £15,000, as the first instalment towards the expense of building a National Gallery. The hon. gentleman then stated that government would receive in exchange the rooms at present occupied by the Royal Academy in Somerset Place. A sum of £50,000 would be asked for, on the whole, which would include the expense of a place of deposit for the public records. The whole sum would be spread over a period of three years.

SIR ROBERT PEEL felt the greatest satisfaction in declaring that the vote in every respect met with his most cordial approbation. It had been prepared, most properly by his Majesty's ministers, in deference to the unanimous sense which had been expressed by the House when the subject had been discussed. After his Majesty's ministers had ascertained what were the strong and general sentiments upon the subject of encouraging the fine arts in this country, they had taken the course best adapted to accomplish that most desirable object. He was happy to say, that they had entirely divested the question of all party feeling, and had consulted every class of persons most likely to promote the object in view. He conceived, that it would be very false and pernicious economy that prevented such a building being ornamental, and, of the whole sum demanded, £10,000 might be considered as spent for the security of the public records. It was impossible to reflect upon how the public records had been treated, without admitting the necessity of providing for their security; and no detached building could be erected for that purpose for any thing like the sum of £10,000. With reference to the Royal Academy, the value of the rooms which they would give up to the public upon receiving this accommodation would be at least £30,000, or £2,000 a-year; and the public would also gain very much in obtaining these rooms, as they would contribute greatly to the convenience of the government business. When all these points were considered, together with the saving for the rooms which now contained his Majesty's pictures, he could not but say that, in providing a National Gallery for £50,000, ministers had made an arrangement most favourable and advantageous to the public. When he considered how great and important was the object of having a place in which to exhibit the works of the ancient masters, and the productions of modern artists, he could not but feel that both the parliament and his Majesty's ministers did themselves honour by voting this sum. In the present times of political excitement, the exacerbation

of angry and unsocial feelings might be much softened by the effects which the fine arts had ever produced upon the minds of men. Of all expenditure, that like the present was the most adequate to confer advantage on those classes which had but little leisure to enjoy the most refined species of pleasure. The rich might have their own pictures, but those who had to obtain their bread by their labour, could not hope for such an enjoyment. With respect to the situation of the building, it was as well selected as possible, close to Charing Cross, where, as Dr. Johnson said, "the great tide of human existence is fullest in its stream;" and, consequently, where all classes of the community would be equally accommodated. He therefore trusted that the erection of the edifice would not only contribute to the cultivation of the arts, but also to the cementing of those bonds of union between the richer and the poorer orders of the state, which no man was more anxious to see joined in mutual intercourse and good understanding than he was.

After a short discussion, the vote was agreed to.

RECORDER OF DUBLIN.

JULY 24, 1832.

Mr. Hume, pursuant to notice, moved for leave to bring in a bill, to disqualify the recorder of Dublin from sitting as a member in any future parliament.

Colonel Evans seconded the motion.

SIR ROBERT PEEL was of opinion that, if the recorder of Dublin were to be disqualified from sitting in that House on account of the duties of his judicial situation, the bill ought to proceed upon general principles, and apply to all other offices of a similar nature. Let it be supposed that the parliament were to meet in Dublin, would it be right then to exclude the recorder of that city, on the ground of his not being able to attend to the two separate functions? In bringing such a bill into the House, he thought the hon. member for Middlesex ought to proceed upon broader principles, and upon grounds more constitutional. It would be a reflection and a disgrace upon the House if they proceeded to pass a bill which would exclude one recorder from a seat in parliament, whilst all other recorders were allowed to be elected and to take their seats. It would be better for parliament not to interfere with any constituency as to whom they chose to elect, upon the grounds of the ability of the person to attend to his parliamentary duties. If the bill were brought in, it ought at least to be shown why one recorder was so specially selected from all the rest.

In reply to Mr. Sheil,—

Sir Robert Peel observed, across the table, that the recorder and common sergeant of London were not excluded from seats in that House.

On a division the numbers were, Ayes, 33; Noes, 16, majority, 17.

CHANCERY SINECURES.

JULY 25, 1832.

Sir Edward Sugden called the attention of the noble lord (Althorp) to the filling up of the sinecure offices of the Court of Chancery, which he understood were to have been abolished. He wished to know in what way the noble lord explained the recent appointment of Registrar of the Court of Chancery?

Lord Althorp having explained,—

SIR ROBERT PEEL said, that it was impossible to believe that the appointments in question could be otherwise than merely provisional. In the committee appointed to enquire into what reduction could be made in salaries of offices held during the pleasure of the Crown, the Lord Chancellor himself declared his intention to abolish all sinecure offices. He thought it would be a great improvement if the measure were extended to the Court of Chancery, which was applied to other courts, for putting an end to sinecures, and making proper compensation to the persons holding them. To show that this was the view which the Lord Chancellor himself took of the subject, he would read a passage from the evidence of the noble and learned lord before the committee. Being asked, "Are the committee to understand that it is

your intention to divest the office of Lord Chancellor of all sinecure situations?" he replied, "If I can obtain the concurrence of parliament, it is my intention to divest the office of Lord Chancellor of all the sinecures which have hitherto been given for the maintenance of his family." Under these circumstances, it was impossible to consider the present appointment as more than provisional. Of course, if the sinecure offices should be abolished, the Lord Chancellor must receive a fair consideration for them.

Sir Edward Sugden begged that it might be understood that he had not made a personal attack upon the Lord Chancellor. He had asked the question merely to gain information.

Sir Robert Peel considered the discussion altogether premature. It was impossible that the appointment could have been intended to be permanent, inasmuch as the Lord Chancellor was pledged to the abolition of all sinecure offices in his court.

The subject then dropped.

JULY 27, 1832.

Lord Althorp having moved the Order of the Day for the House to resolve itself into a committee of Ways and Means.

Sir Edward Sugden, in a state of great agitation, complained of an attack that had been made on him in the other House, by the Lord Chancellor, in reference to some remarks of his on the Court of Chancery. The hon. gentleman stated, with deep emotion, that he had at once, and for ever, lost all personal respect for the person who had so wantonly insulted him.

SIR ROBERT PEEL.—I only know the expressions of which my hon. and learned friend complains from the reports in the public journals, and, until I hear them contradicted, I must believe them correct. I must say, Sir, I think this is a matter of deep importance, not only as it affects my hon. and learned friend, who, in my opinion, has shown a very proper sense of what is due to himself in the notice he has taken of these expressions, but it is a matter of importance as it affects the privileges of parliament. Of the noble lord who has made use of these expressions, no expression ever fell from me calculated to convey a feeling of disrespect towards him. On the occasion to which the present discussion refers, it will be recollected that I recommended the House to abstain from further discussion; for that I was convinced the noble lord would be able to explain satisfactorily what he had done. I stated, that having heard the noble lord's evidence given with respect to those offices, I was satisfied that the appointment which he had made was only provisional, and that he meant to abolish the offices in question; but still I heard nothing in the speech of the hon. and learned gentleman which was at all inconsistent with the performance of his public duties as a member of this House, or which called for those observations of which he now complains. Two offices, notorious sinecures, fell vacant, and, notwithstanding the declaration of the Lord Chancellor, that he intended to abolish them on the first vacancy, they were filled up. When the appointments were made, what was more natural than that an hon. member of this House should ask for some information respecting those appointments, and comment upon the proceeding? In former times, and when the noble and learned lord was a member of this House, not a moment would have been lost in putting such a question. That question was no attack upon an individual Peer, but an enquiry into the public conduct of the government. Answers were given to that question: and, in another place, that noble and learned lord himself, presiding in the place in which he gave the answer, the Chief Judge of that Bench in whose court these appointments had taken place, described the member of parliament who put the question in a manner which would effectually deter many individuals, shrinking from abuse, and from the power of that sarcasm which we all know he can so irresistibly wield, from the performance of that duty which, as members of parliament, they are bound to discharge. When the member, too, against whom these attacks are directed, is a gentleman practising in the court in which the noble lord presides, it becomes highly probable, that if they do not influence him to abandon his duty, they will operate to his serious prejudice, and might occasion the ruin of any professional man who did not happen to be of the first-rate eminence. My respect for that noble lord, and my admiration for his abilities, prevent me from quoting those opprobrious epithets which he is said to have used. "Crawling reptile," and "insect" of a certain sort, are the terms which I may mention, and from the use of which I may leave the House to judge

what are the rest. I agree, however, fully with the right hon. secretary, that nothing can be more inconvenient than to refer to the proceedings of the other House of Parliament; but, if the use of such expressions is to be allowed, what situation are we in? How are we to perform our duties in this House, if we are liable to be abused for so doing by the noble and learned Peer who presides over the other branch of the legislature? Either the right hon. gentleman must not interfere when a member is defending himself from attacks of this sort, or the member must submit to suffer from the use of these opprobrious epithets. I say again, that I deeply regret the noble and learned lord should so far have forgotten himself, as he must have done, when he trenched in this manner on the privileges of this House, and interfered with the performance of the duties of a member of parliament, by holding him up to public reproof and reprobation, in terms so offensive that no man can submit to them without uttering his decided protest against them. The right hon. gentleman calls in question the accuracy of the report. I hope he will be found to be justified in doing so. It is a report in *The Times* newspaper, and, in one respect, it has the appearance of accuracy—it is very elaborately given. Still, however, I should rather hope that it is incorrect and spurious, than believe that the noble lord would have used the privilege of his station to make the attack on my hon. and learned friend in the terms which he is represented to have used.

In reply to the Attorney-general,—

Sir Robert Peel repeated, that what he had said on the former evening was, that he thought it very possible that there might be duties attached to those offices, which rendered it necessary that the appointments should be made; but he did not believe that it was the intention of the Lord Chancellor to make the appointments permanent. He could not say what the hon. member for Worcester might have intended to say; but he knew that an hon. and gallant friend of his got up, and said that he differed from him, and he thought that the appointment was intended to be permanent. When the hon. baronet opposite (the member for Westminster) said, the appointment would only be provisional, he expressed his concurrence in that opinion, and declared that, from what the Lord Chancellor had frequently said, it was impossible that the appointment could be permanent. He, at all events, could not be accused of having made an attack upon the Lord Chancellor. On the contrary, he had asserted, that if those offices were abolished, the Lord Chancellor ought to be compensated for the loss of patronage.

After some further remarks, the Order of the Day was read, and the House went into committee.

WAYS AND MEANS—THE BUDGET.

JULY 27, 1832.

Lord Althorp having introduced the financial statement of the past year, concluded an elaborate speech by moving the following resolution:—"That it was the opinion of that committee, that the several duties hitherto levied on sugar and molasses, be continued till the 5th of April, 1833."

SIR ROBERT PEEL thought the noble lord had acted perfectly proper in laying before the House, as far as he was able, a fair, unvarnished, and candid estimate of the exact state of our financial prospects; and though these, certainly, were not very prosperous, for the noble lord admitted a deficiency of £460,000 on the current year, yet he did not think that deficiency was such as to give any serious cause for alarm. He agreed with the right hon. baronet, that there was an elasticity in the resources of the country which ought to teach the House and the nation not to despair. At the same time, he did not think it politic to have a deficiency; for the government might be driven either to incur fresh debt—and when he spoke of incurring fresh debt, he included the issuing of Exchequer bills, and all those expedients which were resorted to for the purposes of turning off a temporary inconvenience; or it might be compelled, as the only other course which would be open to it, to impose fresh taxes. Now, he thought it much better to keep those taxes which were already laid on, and to which trade had adapted itself, than to repeal them, and then to be driven to impose others in their stead. In the present state of public feeling, however, he must say, that he did not think it possible to keep up a great

surplus revenue; and when he recommended ministers to keep up an excess of revenue over expenditure, he did not contemplate such a surplus as might be appropriated to the purpose of paying off any part of the debt, but sufficient to provide against contingencies, and save the country, under ordinary circumstances, from the necessity of borrowing. It was much better to maintain a tax to which the people were habituated, than run the risk of being compelled to impose a new one. When a new tax was laid on, many ways were found of evading it; but when it had existed for five or six years, the excise and revenue officers had discovered all the abuses which were practised against the revenue, and were consequently enabled to meet them, and therefore the revenue demands could not now be evaded with that facility to which the introduction of a new system would lead. Capital also had become used to its operation. He spoke of the generality of taxes, and without reference to the extreme case of a tax which might have become particularly odious. This was the gloomy part of the subject, and, admitting the deficiency, he, for one, must join with the noble lord in opposing the repeal of any of the existing taxes. Even admitting the deficiency, he could not concur in the gloomy view which some persons took of the state of our finances—persons who even ventured to doubt our ability to maintain the public faith, or support the nation's honour abroad,—he had no such opinion. Nor could he agree with those who contended that the state of the revenue indicated any increase of privation among the labouring classes. He had just read a paper lately before the House, containing a detailed account of the revenue of excise; and, when he noticed the progress of that revenue, he could not believe that the people were suffering from a diminution of comfort. Looking at that document, too, he could not join with those who demanded a great increase of the paper currency of the country. There was a set of men who pretended to be deeply versed in the subject of money, and who had discovered that the currency was not sufficiently extensive to meet the necessities of the country; and that, whereas the bank issued £17,000,000 per quarter, they ought to issue £25,000,000, which they, in their wisdom, had laid down to be the precise amount requisite for the circulation. He might have more confidence in them if they were less precise; but they founded their calculations on the fact, that our manufactures were all going to decay, and that this amount of circulation was necessary to save them from ruin. Unfortunately for these calculators, the paper he had referred to showed such an increase of consumption in many of those articles which tend much to the comfort of the labouring classes, as to afford matter of congratulation, and give rise to a well-founded belief that trade was not going to decay, and that the distresses of the people had been diminished, and their privations mitigated. There was a deficiency in the revenue, but no proof that the consumption of the people had fallen off. This theory, then, of the deficiency of the amount of the currency, was not in the least borne out by the documents which had been laid upon the table, and to which he had already referred. Other individuals had stated, with some pride, that there had been some increase in the auction duties, quite forgetting that such an increase must more or less be founded upon the distresses of the country. But this was an argument upon false premises; for, from the papers before the House, it appeared that in the year 1832, as compared with the returns of the three preceding years, there had been a decrease of £726,225 in the auction duties. There had also been an increase in the duties on bricks, though there was a decrease of the duties on tiles, which might be attributed to the preference which was given by builders to slates. He also thought that the duty on tiles was deserving of the consideration of the noble lord opposite, with a view to its reduction. The revenue from glass had decreased, but that arose from the practice of making glass thinner, and consequently a less quantity would cover a larger surface. In the article of British spirits, there had been some falling off in the duty; but in the consumption of malt there had been an increase of 7,600,000 bushels on the average consumption of the last three years. When he heard the beer bill discussed, in connexion with the late hours and the dissipation and idleness which its opponents described it as producing, he must say, that he did not think that a fair way of treating the subject; but this he would say, that when he saw the population consuming so much of that which might be considered as one of the necessities of life, he would appeal to that fact as a proof and test of the increasing comforts of

the great mass of the population of this country. In soap, in 1832, as compared with the average of the three preceding years, there was an increased consumption of 5,000,000 lbs. [Mr. Hume: There is a decrease in Scotland.] Yes; but the decrease in the consumption of soap was confined exclusively to Scotland. Next he found that the increase in the consumption of tea, in 1832, as compared with the average of the three preceding years, was 1,583,000 lbs.; and how then could he admit that the consuming power of this country was diminished, when he found an increase in the consumption of those articles most necessary for the comfort of the industrious classes? He rejoiced to see this state of things: the additional consumption of these articles afforded him, he repeated, the greatest possible gratification for this, among other reasons—because he saw in it a strong proof that the natural resources of the country were not in the least deteriorated, and that they were capable, if required, of supporting even an increase of taxation, if such a thing should, under any future circumstances, be called for. There was another point in the noble lord's statement at which he felt disposed to express his satisfaction, namely, the amount of the diminution in the public expenditure. The noble lord had stated that the reduction made in the public expenditure for the year amounted to upwards of £2,000,000, and that undoubtedly was a great reduction; but then the question occurred whether the whole of this reduction would be a permanent, or whether it would be a temporary one. He believed that this reduction in the public expenditure for the year, chiefly arose from reductions made in the army extraordinaries, and also in the navy. The reductions that had been effected in the navy, he believed, were mainly attributable to the abstaining from the building of new ships, and the consequent non-purchase of stores during the past year. But the time would come when it would be necessary for us to build new ships, and to purchase additional stores; and though, therefore, ministers were perfectly justified in making such a reduction in the navy estimates this year, it was one that could not be regarded as permanent. The reductions effected in the army estimates, he believed, were confined to reductions made in the army extraordinaries, and with regard to the militia. The reduction with regard to the latter, arose from the militia not having been called out for training this year, and that, therefore, could not be looked upon as a permanent reduction. The reduction in the army extraordinaries amounted, he believed, to £200,000, and that alone would be regarded as a permanent reduction. It was necessary, therefore, before they came to consider the £2,000,000, and upwards, of reduction which the noble lord announced, to enquire into the circumstances under which a great portion of that reduction was effected, in order that they might be enabled to judge whether any, or what portion of that reduction would be looked upon as permanent. He did not agree with the right hon. baronet (Sir Henry Parnell) in his expectations that a reformed parliament would still further reduce the public expenditure. He was sure that that right hon. baronet would give the noble lord opposite credit for every desire at present to reduce the public expenditure as far as he possibly could; and he would put it to the right hon. baronet whether he thought that that noble lord, if he could have proposed any farther reductions in the expenditure, would have experienced any difficulty on the part of the present parliament in carrying such a proposal into effect?

Sir Henry Parnell said, he did not think that he would.

Sir Robert Peel: Why then did the right hon. baronet, giving, as he did, the noble lord credit for every disposition to reduce the public expenditure, and conceding, as he did, that the present parliament was most ready to support that noble lord in measures of such a description, why, he begged to ask, did that right hon. baronet assert, that a reformed parliament would do more in that way? Partial as he might be to the constitution of the present parliament, still he would assert, without the fear of contradiction, that if the noble lord opposite had felt it his duty to propose to that House such reductions as those alluded to by the right hon. baronet, in the collection of the revenue, and in the construction of public boards, he would have met with no opposition from any one single member in it, from partial or interested motives; and he was sure that, if any such opposition should be offered under such circumstances to the noble lord, it would not have the slightest chance of success. It was not at all improbable that hereafter still further reductions

might be effected in the public expenditure; but he did not think that any new constitution of parliament would force on the government greater reductions than a sense of duty would induce the government to propose, and which the good sense and good feeling of such a parliament as the present would go with them in carrying into effect. He did not think, therefore, that the self-interested views of any gentleman in that House, constituted as it at present was, would oppose the slightest impediment to the government carrying into effect any reductions which it should feel it to be its duty to propose; and he certainly did not anticipate any such diminution of expenditure from a reformed parliament as the right hon. baronet seemed to expect. The noble lord had attributed the falling off which had taken place in the revenue to three causes, the cholera, the state of public excitement, and the state of the currency. Now, with regard to the first cause, he thought that the noble lord had underrated the influence of it, and that it had produced much greater effect in that way than he seemed to suppose. The undue apprehensions which had been entertained by foreign countries on account of the cholera, obviously did much to injure the trade and to diminish the exports of this country during the past year. With respect to the political excitement of the country, the noble lord thought it was about to abate, and, on that score, reckoned on an increase of the revenue. He hoped that it might be so, but he saw no great diminution of political excitement in the instance of Ireland.

Lord Althorp was understood to say across the table, that the revenue of Ireland had increased during the past year.

Sir Robert Peel said, he was surprised at the fact, for he had never known such an effect produced by such a cause before. It might be that the public excitement would subside in England: but he did not think that the changes which had been made in the constitution of that House at all calculated to produce an increase in the revenue. On the contrary, he thought that the result of those changes would be, that apprehensions would prevail for the security of property—apprehensions which were likely to affect considerably the revenue, and the productive powers of the country, and that the political excitement would continue as rife, and the political unions as flourishing and as noisy, as ever. The third cause to which the noble lord attributed the falling off in the revenue, was the state of the currency; and the noble lord had observed, that the changes which had taken place, as well as the uncertainty which prevailed with respect to ultimate proceedings, and the effect produced by the fluctuation in the exchanges, had doubtless contributed much to that state of things in which they at present found themselves. Now, in his (Sir Robert Peel's) opinion, the noble lord had diminished the consequences of the cholera, and he had much overrated the effects of the changes in the currency. Undoubtedly, however, the Bank had contracted its issues, and, as a consequence, the proceedings of the country banks must have been limited, and the capital required for the operations of commerce decreased. But if this were so, how necessary did it become, on the part of the noble lord and his colleagues, to seize the earliest possible opportunity to place the foundation of the currency on some sure and satisfactory basis. Parliament should not be allowed to separate without some information being given to it by the noble lord, as to the course which the government intended to pursue with respect to the question now under agitation. He (Sir Robert Peel) remembered well the bullion committee, and the difference of opinions which then prevailed, and was therefore convinced that the question could not be too soon settled. Although the members of the committee were bound to secrecy, the noble lord, as a minister of the Crown, had his own views on the subject, and he was bound, for the sake of the country, to make them public at the present moment. It was possible, perhaps certain, that the committee would make no report during the present session; and unless parliament assembled for a short sitting in October or November, which he supposed was rather improbable, six months must elapse before the country could receive information on that most interesting subject. He repeated, full six months; for the elections could not, under any circumstances, take place much before December, and as there were snows and storms, particularly in the north, at that season, which must be taken into account, it was not at all improbable that the elections might not take place during the present year. With six months of recess, then, before them, he put it to the noble lord, whether it

would not be politic to put an end to that state of uncertainty which the noble lord admitted to have so strong an effect on the issues and the exchanges, by at once stating what were the views of the government on the question. No one expected the noble lord to go into the details which were to form the subject of deliberation hereafter; but the noble lord and the government must have already made up their minds on the great leading points of the course they intended to pursue; and if the noble lord described correctly the prejudicial effects of the existing state of uncertainty, he recommended him to put a termination to it by avowing at once the opinion of the government. Such a course of proceeding would have an immediately beneficial effect; it would give stability to the operations of commerce, and might have no inconsiderable effect on improving the revenue. Referring again to that, and the principal subject of the night's discussion, he must again say, that he thought it unfortunate, that for two successive years there should have been a deficiency in the revenue; but he did not thence infer that there had been any decay in the natural resources of the country. He was quite sure that those resources were fully adequate to meet any emergencies which we might encounter, and to maintain and preserve the national faith. He was certain that this country possessed within itself fully the means of paying its just debt, and that it would repudiate with scorn any scheme for pretending to liquidate that debt by an unjust reduction of that which the public creditor had a right to expect. He was confident that not only the wealth but the spirit of Englishmen would always prevent them from stooping to so dishonest an expedient; and he was perfectly certain that they would incur any sacrifice to maintain and uphold the national faith. The noble lord had adverted to the state of the colonies. He (Sir Robert Peel) approached that part of the subject with pain, for he believed no parliament had ever separated before, leaving the colonies in a state so little satisfactory to the mother country. All they knew with respect to the colonies was, that the government did not intend to exact obedience from the islands possessing separate legislatures to those orders in council which had been the object of so much contention. He wished, however, to know, whether the government persisted in its intention to force the obedience of the Crown colonies? Every one knew, that the orders, although nominally enforced in the Crown colonies, were universally disobeyed; and he put it to the noble lord whether, under such circumstances, it would not be more consistent with the honour and dignity of the Crown to withdraw them altogether? While he was on this subject, he wished also to ask, what reward the government intended to bestow on the colonies that accepted the Orders? The fiscal regulations had been abandoned—the discriminating duties were not to be collected; but, if he understood the noble lord right, the mother country was to pay a portion of the civil list of the obedient colonies. Now, he put it to the noble lord, whether, after all they had heard of the necessity of compelling the colonies to bear the expense of their own government, such an act was not retrograding, and a departure from the avowed determination of those who were placed over that department? He could not sit down without adding a few words on the subject of foreign policy; and with regard to that, and the state of our foreign relations, they were left in a state of equal ignorance. When there were rumours of naval armaments on the coast of Portugal, and when there were rumours, God knew whether well-founded or not, of naval armaments being about to proceed to the Scheldt, it was but common justice to the House and to the country, that some explanation should be afforded to them, before they separated, on the subject of our foreign relations. He supposed that the expenses of those armaments would come under the ordinary estimates of the year, as otherwise the usual course was, for the Crown to send down a message to parliament for the extraordinary expenses necessary for such purposes. Now he could not but complain that parliament was about to separate without any information on this subject. He wished the noble lord would tell them whether the king of Holland would assent to the final treaty proposed to him by the Conference? Or whether, if such were not the case, that most dreadful alternative, the uniting the forces of England and France, for the purpose of compelling him to do so, was the only course left to this country to pursue? He thought they had every right, also, to complain of the course which had been adopted towards Portugal. A civil war now raged there, and a contest was going on for the throne of that country; and he was persuaded, that neither one nor the other would have ever

existed but for the direct encouragement given from this country. A contest for the throne of Portugal, when encouraged by England, was a thing that must always be deprecated as being totally opposed to the true policy and best interests of this country. Indeed, civil war could not exist there without damaging the interests of Britain. With respect to Holland, he could only say, that if the king refused to ratify the treaty, then the armaments which must follow would disturb the calculations of the noble lord, and the surplus he had calculated on would not be realized. Whether, however, the noble lord's calculations were or were not realized, whatever was done by this country, whatever money was expended to force Holland to sign the twenty-four articles, would be expended in a manner contrary to the true interests of England—against the independent rights of the smaller powers of Europe—and, if incurred in conjunction with France directed against Holland, would be inconsistent with that course of feeling which the wisest British statesmen had always pursued, and which might be pregnant with consequences to the peace of the world which no man could foresee.

After some discussion the motion was agreed to; several sums voted; and the House resumed.

FIRST SESSION

OF THE ELEVENTH PARLIAMENT OF GREAT BRITAIN AND IRELAND; OPENED
ON THE 29th OF JANUARY 1833, IN THE THIRD YEAR OF THE REIGN OF
WILLIAM THE FOURTH.

HOUSE OF COMMONS.

CHOICE OF A SPEAKER.

JANUARY 29, 1833.

The right hon. Charles Manners Sutton, who had tendered his resignation towards the close of the last parliament, was, after a short discussion, re-elected Speaker of the House of Commons, and the House adjourned.

ADDRESS IN ANSWER TO THE KING'S SPEECH.

FEBRUARY 5, 1833.

The Speaker said, that he had to acquaint the House, that the House had been summoned to the House of Peers, where his Majesty had been graciously pleased to deliver a speech to both Houses of Parliament. The right hon. gentleman then proceeded to read a copy of the Speech.

The Earl of Ormelie moved the adoption of an Address, which he read, and which was, as usual, an echo to the speech.

Mr. John Marshall seconded the motion for the adoption of the Address.

Mr. O'Connell, in a speech of consummate eloquence and power, moved as an amendment, for a committee of the whole House to consider his Majesty's Speech.

After a long discussion, the debate was adjourned till February 6.

SESSIONAL ORDERS.

FEBRUARY 6, 1833.

Lord Althorp having proposed the Sessional Orders for the present year,—

SIR ROBERT PEEL said, if an arrangement could be made really conducive to the convenience of members, and which would have the effect of expediting the business of the House, he certainly should, without hesitation, agree to it. The plan which was now proposed required, in his mind, much consideration, and he did not think that he was at all premature in making some observations on it thus early. It

should be recollected that there were now in that House 300 new members who possessed very little experience; and was it right, without further consideration, that they should adopt such an arrangement? If they called on those new members for their concurrence, they themselves, perhaps, would doubt whether they were competent to decide on such a question. He very much doubted whether they had read the report of the committee of last session—a committee which was composed of individuals most deeply experienced in the business of the House. He did not ask any one to decide on the merits of the new plan; but he would demand of the House whether those who came there with very little experience of parliamentary business were competent to decide on it at that moment? If the noble lord proposed that public business should commence *bonâ fide* at ten or eleven o'clock, it was easy to deal with so plain a proposition. But if the mode which was now proposed were adopted, he was perfectly convinced that, in point of fact, the public business would be daily postponed till six o'clock in the evening. By another part of the plan, committees were to be formed at nine o'clock in the morning, to sit until twelve, and again from three o'clock until five o'clock. Now, gentlemen had much pressing and important business to transact. They had to read their letters in the morning, and to answer them. The letters would, of course, be brought to the committee-room, and the two first hours, he would be bound to say, would be occupied, not with the business of the committee, but in answering those letters. This was a very large town, and many members residing at a distance could not attend without great inconvenience. Those who lived in the vicinity of the House might attend easily, but gentlemen who lived at a distance of three or four miles would be very much incommoded. It would be taxing human strength too much to require attendance at nine o'clock, after a late sitting. If they did not look practically to these points, it was clear that any plans they might make must fail. He admitted the principle, that petitions should be presented in full House, the Speaker being in the chair. He knew not how the noble lord, or any official man, could perform his duties under the proposed system. At nine o'clock he might be called on to attend a committee; he would come down-stairs at twelve, and remain in the House till three; he would then have two hours for Cabinet Councils, and other important matters; and then, at five, he made his appearance for the purpose of taking a share in the general business of the House. He asserted that it was impossible to expect that any minister of the Crown would or could proceed in this manner. They all knew that the subjects of petitions related to different departments of government—they all were aware, that when questions were asked, a minister frequently said, "I cannot answer till the head of the department is present." Under the proposed system, this circumstance would occur more frequently than ever. He therefore asked, whether it were possible, under all the circumstances, such a system could give satisfaction? Again, it was proposed positively to adjourn from three o'clock till five. Now, if it happened that there was a full attendance of members, and a discussion arose, a political discussion, connected with the contents of a petition, the debate, it appeared, was to be broken up the moment three o'clock arrived. Would those, he demanded, who were occupied in that discussion meet on the following day, ready to proceed with it? Or would they meet with the same tone and temper of mind? There was another point to which he would draw the attention of the House. He had no doubt whatever of the self-devotion of the Speaker; but when they called on him to take the chair from twelve till three, and to resume it at five o'clock, they were taxing the physical health and strength of a public functionary to too great an extent. The only time, under such circumstances, when a member could call on that right hon. gentleman for information on private business, would be before twelve o'clock in the morning, unless such information was irregularly called for when he was in the chair. He hoped the noble lord would postpone his proposition, and give the new members the benefit of the experience of three weeks or a month. By that time gentlemen would have an opportunity of judging of the probable number of petitions that were likely to come before the House.

Lord Althorp was willing, after what had fallen from the right hon. baronet, to postpone the debate, not for three weeks, but till this day fortnight.

The House then resumed the debate on the Address in answer to the King's Speech; a long discussion again ensued, and the debate was adjourned till Feb. 7.

ADDRESS IN ANSWER TO THE KING'S SPEECH.

FEBRUARY 7, 1833.

Lord Althorp moved the Order of the Day for proceeding with the adjourned debate on the address.

Several members having addressed the House,—

SIR ROBERT PEEL said, as this was the third night of the debate upon the address in answer to the King's speech, he hoped he might congratulate the House on its now approaching the close of the debate. [“No,” from Mr. O'Connell.] Well, then, if the hon. and learned member denied that they were even approaching it, then there was no alternative but to admit that they were either going back or beating time, and making no progress whatever. He (Sir Robert Peel) should be unwilling to let this discussion come to a termination without making a few observations on some of the principal topics contained in the speech put into his Majesty's mouth by his ministers. That speech adverted to many topics of great importance. He thought that ministers had wisely conformed to long-established usage by forbearing to enter, in that speech, into any minute details. He thought that they had wisely forborne from imitating the example of the American President, and from entering into lengthened disquisitions on public affairs; not because he did not think that full information should be given to the British parliament on all topics of public importance, but because he thought that, on all topics on which information was to be given, it should be more minute and accurate than it possibly could be in a speech delivered from the throne. He did not wish to have their debates fettered by an expression of opinion from the Crown; and he deemed it more constitutional that parliament should have its attention directed in general terms to public measures, than that it should receive a commentary from authority indicating the views and intentions of the government. He thought it most important that the House should at length approach to some measure of practical legislation, and that it should consume as little more time as possible in mere debate. If the public did expect so much as gentlemen stated from a reformed parliament, he apprehended that they expected something better than lengthened harangues, which led to nothing. In the observations which he was about to make, he should not advert either to the charter of the Bank of England or to that of the East India Company, although mention was made of them in the speech. He should avoid all topics contained in it except those which were the proper and immediate objects of discussion—namely, those upon which the House was called on to pronounce either a qualified or a positive opinion. He was aware of the altered position in which he then stood before the House. He had been accustomed to address it, sometimes backed by powerful majorities, at other times supported by very large minorities. He had recently heard it made matter of boast, that the Reform Bill had extinguished in that House the party to which he had the honour to belong. That might be; he would neither admit it nor gainsay it, but would leave individuals to the enjoyment they could derive from the boast. He had, however, such confidence in the justice of the majority, that though he should not attempt to conciliate its favour by adopting its opinions, or by abandoning one particle of his own, he was certain that he should meet, if not with its acquiescence, at least with an indulgent hearing. The subjects on which he felt himself called that evening to pronounce either a modified or a decided opinion were three in number. They related to reform in the church, to measures connected with the restoration of tranquillity and the repression of disorder in Ireland, and to those which might be necessary to maintain inviolate the legislative union between England and Ireland. Those were the three topics to which he felt himself bound to confine his observations. With respect to the first of them, he was called upon to assure his Majesty, “that the attention of the House would be directed to the state of the church, and that it would be ready to consider what remedies might be applied for the correction of acknowledged abuses, and whether the revenues of the church might not admit of a more equitable and judicious distribution.” Now, if his Majesty's government, acting of course with the authority of his Majesty, deemed it incumbent to propose measures of which the professed object was to improve the stability of the established church, he could not

refuse to enter into the consideration of them: and when they called upon him to accompany that consideration "with a due regard to the security of the church as established by law in these realms, and to the true interests of religion," he inferred, at least he entertained a hope, that the interests, the rights, and the privileges of the church were intended to be maintained in full vigour. Whether he should hereafter, when he saw those measures, consider that those interests, those rights, and those privileges were so maintained, was a point on which he reserved to himself the full and entire right of judging, unfettered in the slightest degree by his present qualified acquiescence in the address. He abandoned nothing of his discretion as a legislator; and in giving his assent to this part of the address, his intention was to protect the interests of the Church of England, not merely because he considered that, by endangering the rights and privileges of that church other rights and privileges would be endangered, but also because he considered that in the maintenance of them much higher interests—the interests of truth, of morality, and pure religion—were involved. With respect to the Church of Ireland—for he should make his comments with unreserve—he thought that the terms used both in the speech, and in the address, were vague and indefinite. He did not exactly understand the meaning of the words applied in the speech to the Church of Ireland. It was stated, that "although the Established Church of Ireland was by law permanently united with that of England, the peculiarities of their respective circumstances required a separate consideration." Now, the words, "separate consideration," were those to which he objected; he did not know what was meant by them. If the expression purported that there were peculiarities in the circumstances of the Church of Ireland which demanded the application of a separate principle to them, he viewed such a declaration with horror. But the expression might merely mean that the government meant to legislate for the Church of Ireland by separate enactments, in principle the same with those to be applied to the Church of England, but modified in mere details to the local and peculiar circumstances of Ireland. Having himself assented to a Tithe Composition bill in Ireland, when no such bill was introduced for England—having also assented to several other measures of ecclesiastical polity for Ireland which did not apply to England, it was impossible for him to deny the proposition, that there might be peculiarities in the condition of the church in the two countries, which might require separate legislation. He could not fail, however, to insist that the title of the Church of Ireland to its property and its privileges was the same as that of the Church of England. There might be a different distribution of the church property, for the benefit of religion; but there never should be, with his consent, a perversion of church property from its original uses. He hoped, therefore, that those who asked him to join in this address did not mean to sanction the application of a different principle to the Church of England, and to that of Ireland. What that principle might be he could not tell; but if it were such as was stated by the hon. gentleman near him, he would not only say that he could not agree to it, but that he would resist it to the utmost. "I see (continued Sir Robert Peel) the right hon. secretary for Ireland before me ["Hear" from Mr. O'Connell, and members in his neighbourhood]—I say, I see the right hon. secretary for Ireland—I am afraid of saying what I think of the conduct of that right hon. gentleman; for, however impartial my testimony as a public man may be, I am afraid that, from the attacks so incessantly repeated, in order to depreciate the character of that right hon. gentleman, my testimony might only increase the efforts which are made to ruin his reputation. Mine, however, is the independent testimony of an independent public man, and I only withhold the eulogy which I should otherwise bestow as his due upon the right hon. gentleman, lest it should increase the numbers of his enemies. I have heard the right hon. secretary often taunted with his aristocratical bearing and demeanour. I rather think that I should hear fewer complaints on that head, if the right hon. gentleman were a less powerful opponent in debate." The right hon. baronet continued. He saw the right hon. secretary holding place in the councils of his Majesty—he recollected the report of last Session on the subject of Irish tithes, of which the right hon. gentleman was the author—he recollected that, though the right hon. gentleman thought that a different distribution of the church property was advisable to supply increased spiritual instruction to the people of Ireland, the right hon. secretary had said—at least he (Sir Robert Peel) remained under

that impression—that he never would consent to the application of the church property of Ireland to any but ecclesiastical purposes connected with the interests of that church. Whether such were still the opinion of the right hon. gentleman he could not say; all he knew was, that it was his own opinion. It might not, perhaps, be the opinion of the majority of that House; but it was his opinion, grounded on the belief, that if long possession, and the prescription of more than three centuries, was not powerful enough to protect the property of the Church of Ireland from spoliation, there would be little safety for private property of any description, and still less for that description of public property which was in the hands of lay corporations. So much for the grounds upon which he consented to that part of the address which related to the Established Church. He must now approach that most afflicting subject, the present state of Ireland, and the measures which were necessary to repress the disorders which disturbed the country. He was asked to consent to measures of salutary precaution, and to entrust to the government such additional powers as might be found necessary to extinguish confusion, to control and punish the disturbers of the public peace, and to afford protection to life and property in Ireland. Upon this subject he claimed the privilege of being able to form a disinterested and impartial opinion. He had never taunted his Majesty's ministers for not proposing at an earlier period the measures of coercion which they now demanded. When others said, that they ought to have applied for coercive measures, he had been no party to the complaint. His language had always been; "Try the ordinary laws; there is great evil in coercive measures. You cannot rely on them for any permanent good; but there is great risk that they will relax the energy of the ordinary law, and that they will widen the breach between the richer classes, for whose protection, and the poorer classes, for whose punishment, they appear to be intended." It had been his duty, on more than one occasion, to propose the Insurrection Act; but he had always had a greater pleasure in proposing the repeal of that act, or allowing its expiry, than he had in receiving the additional powers with which the act armed government. Though he had felt the necessity of passing such an act, he had never expected more from it than a temporary remedy for a single evil. He had always felt an apprehension that it would leave behind it a rankling wound, of which the soreness would long be felt. But thinking, as he did, that the government had acted wisely in not applying at an earlier period for those strong coercive measures—thinking, as he did, that it was wiser for them to have an accumulation of evidence to negative the insinuation that they would seek extraordinary powers for the promotion of their own selfish ambition—avowing the sentiments which he had done as to the objectionable nature of such extraordinary powers, and, above all, wishing as he did to secure life and property in Ireland under the ordinary law—still he could not refrain from saying that, upon the evidence before the public, there was a strong presumption that such powers were imperiously required by the emergencies of the state. He could therefore assure his Majesty, that he was ready to consider the case which he had no doubt ministers would shortly lay before the House, and if the necessity were made out, to grant the additional powers for which they applied. On comparing the evil of permitting the present state of things to continue in Ireland, or rather of conniving, as it were, at its continuance, by inactivity in repressing it—on comparing this with the evil of giving new powers to the executive government, in order to control the disturbers of the public peace, he thought the former evil preponderated. He trusted that, in the observations he had made, or in the observations he was then going to make, he should not give offence to any of the Irish gentlemen near him; he did not wish to let fall a single expression calculated to excite an angry or an acrimonious feeling. Though an Englishman, he did not entertain a single feeling that was not friendly to Ireland. In the early part of his life, he had lived for many years in that country, he had received nothing but kindness, and he felt connected with that country by the endearing ties of hospitality and many personal friendships. He considered it, however, the part of a true friend not to mislead the people of Ireland by flattery, but to tell them honestly and candidly the truth. Now, the gentlemen who objected to the granting of these additional powers said: "You are going to coerce the people of Ireland with severe measures." He would not pay the people of Ireland such a bad compliment as to confound them with those abandoned wretches whom those powers were intended to put down.

It had been said by several hon. members for Ireland: "We abominate as much as you do the practices of the Whitefeet." He could not conceive that they could do otherwise, for nothing could be more atrocious than the tyranny which the Whitefeet exercised. It was a tyranny more oppressive to the poor than to the rich. It was not applied to the rich, who could either defend themselves on their estates by barricading their houses, and garrisoning them with parties of soldiers or police, or could quit their estates and reside in safety in some neighbouring town. The real tyranny was exercised upon the poor man who was anxious to conform to the law, and could not quit his humble residence, but who, for the allegiance and the obedience which he was ready to pay to the law, had a right to ask for protection, at least for his life. That was not an unreasonable request on his part, and if protection be not provided for him under the existing law—if he be not merely exposed to immediate danger, but was also exposed to the nightly fear that the murderer would visit him and his family before morning, he (Sir Robert Peel) did not see how the House could refuse to succour a man suffering from this dreadful species of oppression and tyranny. He had heard from several of the Irish members strong objections to those laws, but he had also heard from them strong expressions of disgust and indignation at the atrocities they were intended to punish. There could be no doubt of their existence. If any proof were wanted, it might be found in the accounts which had been that day received from Ireland. An old man, who occupied two acres of land, for which he paid a yearly rent of £10, was called upon by a party of Whitefeet to abandon that land, though it was his only means of existence. He remonstrated with them on the injustice of their demand, and refused to give up his little farm. What was the consequence for not conforming to the arbitrary decree? He was visited with the usual penalty inflicted by the Whitefeet—Death. How could the House tolerate an outrage like that? It was not a solitary case: if it were, there would perhaps be no justification of new laws; for it might be better to permit a case of individual outrage to go unpunished than to suspend the constitution. But crimes of this nature were on the increase; and if so, how could they reconcile it to the principles of justice to let human beings live without protection under such appalling circumstances? If the right hon. gentleman's testimony on a former evening should be confirmed by further explanation and evidence, then a case would be made out which would justify the suspension of those forms which were intended for the purposes of justice, but which, if abused, became the height of injustice. On these grounds, he said, that if a necessity were made out, he should agree to the suspension of the ordinary law. He would go even still further—he would express a hope that the new law would be made effectual to its purpose; he trusted that it would not labour under the double fault—first of being a suspension of ordinary law, and next of being ineffectual for its purpose.

He now approached a question of very great importance—the question of the repeal of the legislative union with Ireland. He admitted that, upon that question, he was called on to pronounce, not a modified but a positive opinion, and for one, he was determined, "to support his Majesty in maintaining, as indissolubly connected with the peace, security, and welfare of his Majesty's dominions, the legislative union between the two countries." That was the proposition of the King's speech; and he had the alternative of affirming that proposition by agreeing to the address, or of agreeing to the amendment of the hon. and learned member for Dublin. He could assure the hon. and learned gentleman (Mr. O'Connell), that if he entertained a strong opinion against his amendment (and he did entertain a very strong one), it was not from any personal feeling against him. He was called upon by the address to support the legislative union of the two countries—that was, he was called upon to support what he considered a fundamental law of the United Kingdom, and he was prepared to give his support to the permanence of that law. The hon. and learned gentleman, it was true, gave him an alternative—that was, to do nothing at present, but refer the speech and the address to a committee of the whole House. He, for one, wanted no time for previous consideration whether the Union should be supported or not. It was a fundamental law, a solemn compact, that had endured thirty years, and for its maintenance he was prepared at once to vote. If others doubted the policy of maintaining it, why did not they provoke discussion? If the hon. and learned gentleman was disposed to make the subject a matter of grave discussion—if he wished to have it fully gone into—he should have been ready

with a series of resolutions, and have been prepared to show, that by the legislative union of the two countries, England had shown great injustice to Ireland, or that the welfare of the latter country rendered the repeal of that Union imperatively necessary. Some ground of this kind should have been laid, before the hon. and learned gentleman asked the House to go with him into the consideration of the subject. Instead of that, however, what did his proposition amount to? Merely to this—that one gentleman should replace another in the chair; that they should go into a committee of the whole House; but when they got there, would they be any further advanced? It was wished that the address should be considered by the whole House in committee. Why, the address was already before the whole House, and all that they could gain by the form of going into the committee was, that every member, instead of being limited to one speech, would have the opportunity of making as many speeches as he pleased. Now he would venture to affirm, and would appeal to the deliberate opinion of the whole people of England to support him—that in whatever other qualities of a deliberative and legislative assembly the members of that House might be wanting, in the disposition to make speeches they would not be deficient. He must say then, seriously, that they could gain nothing to forward the object which the hon. and learned gentleman had in view by going into committee, and the hon. and learned gentleman had not shown that any one point could be gained by it. [An hon. member: The question would be discussed there.] “Oh yes!” (continued Sir Robert Peel) “and it may be discussed now; and if you want discussion on the real merits of the question of Union, why is it that for two years you have shrunk from discussion, at least within these walls? Why agitate it elsewhere, and excite the minds of men on the subject, and not bring the matter fairly to issue in that House?” The hon. and learned gentleman said that it should have been brought forward last year. Why had it not been introduced then? What hindered it?” [Mr. O’Connell: The discussions on the Reform Bill.] “The Reform Bill? If that was the cause, why did not you also in common justice forbear from appeals elsewhere to the passions, the prejudices, the religious feelings of parties?” He had read accounts of speeches delivered by the hon. and learned gentleman elsewhere, in which a fervent hope was expressed that the people of Ireland would once again enjoy their parliament in its ancient place of meeting, and that the members would proceed together to hear mass before they commenced their daily deliberations. But why, he again asked, were all this excitement and all this agitation created about a matter which could be lawfully decided only in parliament; and why had it not been brought forward there? Whose fault was it that it had not been brought forward? The hon. and learned gentleman said, that it was owing to the discussions on the Reform Bill; but surely there was as much time for the introduction of that, as it was said, all-important matter, as there had been for the forty other questions which the hon. and learned gentleman had brought forward, notwithstanding the discussions on reform. It would not have been necessary to go to the trouble of preparing a bill on the subject; the whole question might have been discussed on a short resolution: such, for example, as this—“Resolved, that the repeal of the Legislative Union between the two kingdoms of England and Ireland would be consistent with true policy, and with justice to Ireland.” He should have been happy to have given the hon. and learned gentleman any assistance in respect to the form of his motion, to have aided him, if his aid would have been useful, in drawing up such a resolution as would have brought the question to a final issue. But no attempt of the kind was made by the hon. and learned gentleman himself. It could not have been, that he delayed the question from want of confidence in the late parliament; for it was in the recollection of many members, that the hon. and learned gentleman had frequently eulogized the late parliament as one disposed to do justice. He did not support the legislative union between the two countries merely because he found it in an Act of Parliament—though it having become the law of the land, and so continued for thirty years, was not an unfair presumption that it was a measure consistent with the advantage of the two countries. He supported it because he believed the existence of that Union was for the undoubted benefit of both countries. It was said, that England had misgoverned, and had withheld justice from Ireland. Much was said of English severity, but not a word about Irish provocation. There was a studious

concealment of just one-half of the truth, and the other half was greatly exaggerated. But the question—the practical question now, was not—Did England in some remote time misgovern Ireland, or did she withhold justice from her?—but, Had she, since the Union, done justice to Ireland? Was there now a disposition to do that justice? Was there a fair assurance that that disposition would continue for the future? Let not hon. members go back to the days of Strongbow—let them not roll back the stream of time for the purpose of reviving antiquated prejudices, and rekindling the slumbering fires of past contentions, over which the waters of oblivion had closed. Would it be wise in him at the present day to call to memory the atrocities of the great Rebellion of Ireland, in order to justify the acts to which the government of that day had recourse? No. Their business was with the present time; they had to look to what was now passing around them [“hear, hear,” from Mr. O’Connell.] He was glad to hear the hon. and learned gentleman admit this. Then he would, as he was disposed to do, confine himself to the present day. And here let him observe, that if he could believe that the repeal of the union could improve the social condition of Ireland!—so great a curse did he consider her present state to be—if he could believe, he repeated, that it could be improved by the repeal of the legislative union, the belief would almost reconcile him to the measure. It was said that England had misgoverned Ireland for centuries. Why, the very fact of that misgovernment was an argument against repeal. Misgovernment was the hard condition, twin-born with separate legislatures. England could not govern Ireland well while there was a separate legislature. If the Irish parliament had been really independent, there would have soon been an end of the connexion between the countries. To control the tendency towards separation, England had been obliged to establish an influence in the Irish parliament, and to govern by corrupt influence. Let the union be repealed, and we should have one or other of these consequences; an Irish parliament, with the mere semblance of independence, or an Irish parliament really independent, and the empire dismembered. But let him ask those hon. members who talked of the disposition of England not to do justice to Ireland, what interest had she in doing her injustice? If she were so disposed, it must be from some expected advantage, financial or commercial. England could gain nothing by having a set of bad magistrates in Ireland, or bad grand jurors. What possible advantage could it be to her that magistrates should not administer justice fairly, or that grand jurors should misapply or mismanage the money raised for local purposes in counties? If those hon. members to whom he addressed himself, as entertaining the opinion of the disposition of England to act unjustly towards Ireland, thought that she was so disposed from expected gain in a financial point of view, let them call for returns of the present amount of taxation in the two countries, for that was the business-like way of looking at the question. Let them call for a return of all the taxes which were imposed in Ireland and not imposed in England, and next for a return of all taxes imposed in England and not imposed in Ireland—let them call for an account of all the fetters and restrictions that were laid on Irish commerce, which were not also imposed on that of England—let them call for accounts of any exclusive restrictions on Irish trade and manufactures. He repeated, call for such returns, and from them prove the fact; and if a case could be made out to show that such injustice existed, he was certain that the House of Commons would not only evince a disposition to remove it, but would suspend its ordinary forms to give more speedy redress. He would now come to another argument urged in favour of a separate legislature—that which had been used by the hon. and learned member (Mr. Finn), who had addressed the House to-night for the first time with much ability. He said, if Ireland had her own parliament, she would be enabled to lay a tax of fifty per cent on the property of absentees. Why, what was that but spoliation of property? But suppose such an Act had passed the Irish legislature, would the king of England, he being the head of the executive of both countries, give his assent to it? Would he give his sanction to that act of spoliation against his English subjects who had property in both countries, and who chose to reside in one in preference to the other? If he should not—and that he would not there could be little doubt—then at once would come the conflict between the two countries. Again, it was alleged that the manufactures of Ireland required protection, and that a local legislature would give it—against what? against English manu-

factures? Why, that was the very question which was now convulsing, to its centre, the republic of the United States of America. Was it possible that an argument of that kind would meet the assent of the hon. member for Middlesex—the advocate for free trade in its most extended sense? But suppose that a parliament sitting in Ireland were to adopt such measures—were to endeavour to protect its own commerce, trade, and manufactures, by imposing restrictions on those of England, was it to be imagined that such restrictions would remain unilateral? Would England rest still, and see such attempts to cripple her commerce and manufactures? Would not petitions pour in from all parts of the country, praying for similar restrictions on the commerce, manufactures, and produce of Ireland? Should we not soon hear of a tax on Irish corn? Was there any thing very unnatural in this? Was it not to be expected, that if one commodity was taxed in one country, it would be followed up by the taxation of some article of commerce in the other? Then if there were separate systems of finance in the two countries, there would be separate taxations, and separate collections of revenue, separate revenue cruisers, every fruitful source of dispute by which the two countries would be constantly brought into angry collisions. It was not the mere amount of duties to be so collected, but the angry feelings to which they would give rise in both countries, which were to be dreaded. On these grounds he would repeat his assertion, that England had no disposition to injure Ireland. It was not only not her desire, but it was manifestly not her interest to do so. What interest could she have in maintaining a large army in Ireland? It would be decidedly to her interests and advantage that the public burthens should be reduced in that country as well as here. But she had given proofs of her disposition not to press hard on Ireland. He would take the case of the Poor-laws. It was not necessary for him to state that the support of the poor pressed heavily on England; and it was equally well known that her Poor-rates were greatly increased by the sums paid for the relief of her casual poor, a large portion of which consisted of Irish. It was, therefore, manifestly the interest of Englishmen that a system of Poor-laws should be established in Ireland; yet it was well known that English members in that House had forbore to press the subject, lest it should be supposed that they were imposing a burthen on Ireland from motives of their own benefit. Taking all these circumstances into consideration, he was prepared to support the permanence of the legislative union between the two countries. He would not say that he preferred a civil war; he hoped and believed that there would be no necessity for recurring to such means of preserving the Union. He would rather appeal to the affections and good feeling of the people of Ireland, acting under the conviction that the two countries had a common interest in maintaining the connexion. But in supporting the address, which declared the permanence of the Union, hon. members were not precluded from bringing the subject forward on a future occasion. They could call for the papers to which he had referred, and from those papers let them prove the alleged injustice, if they could. They had agitated the question for two years without bringing it fully or fairly before the House, and having omitted to do so, he thought ministers were bound to take the first opportunity of the meeting of Parliament to call for its opinion upon it. Intimation had been given of another amendment besides that of the hon. and learned member for Dublin, and if he were disposed to view the question as one of party, there might be astute reasons why he should support it; but after what he had heard, he was not disposed to do so, for he felt that the House was called upon to show, by an overwhelming majority, that it was not disposed to sanction a measure which would tend, not merely to legislative separation, but to actual dismemberment of the empire. He would not trouble the House further upon this head, but would briefly advert to another part of the speech from the throne. It was rather singular that up to this, the third night of the discussion of the address, that part of the speech relating to the foreign policy of the country, and involving such important consequences to our best interests, should have scarcely been made the subject of a single remark. He was aware of the intense interest excited by the matters which concerned our domestic relations; and, therefore, he would not occupy the attention of the House by entering into the subject of the foreign policy at any length. There were, however, one or two topics which he could not pass over without observation. His Majesty said: "I have still to lament the continuance of the civil war in Portugal,

which has, for some months, existed between the Princes of the House of Braganza. From the commencement of this contest I have abstained from all interference, except such as was required for the protection of British subjects resident in Portugal; but you may be assured that I shall not fail to avail myself of any opportunity that may be afforded me, to assist in restoring peace to a country with which the interests of my dominions are so intimately connected." He was exceedingly glad to hear those sentiments from his Majesty; but he was not a little surprised to hear them, considering that the war in Portugal never would have existed without the sanction of his Majesty's government. It was very possible that his Majesty's naval forces had maintained neutrality off the coast of Portugal, but the government of England had not been neutral; for if the ports of this country had not been open to one of the Princes of the House of Braganza, the civil war which now existed in Portugal would never have taken place. If Don Pedro had not been actually assisted by France, and countenanced by Britain, he would not now have had a footing in Portugal. He never could cease to blame his Majesty's government for having thrown open the ports and arsenals of Great Britain to equip him for that invasion. He thought they were bound to adhere to that neutrality which they professed to maintain. But how, they would say, was that to be done? He would tell them. By enforcing their own municipal laws—by recalling all the British subjects in the service both of Don Miguel and Don Pedro. That was what they should do now, and what they ought to have done long since. Don Miguel, though he had passed through more severe trials than any prince in Europe, though he had met with the greatest misfortunes—his kingdom invaded—his best port taken possession of by an invading force, acting with the secret connivance of England and France, was not deserted by one of the people. According to the Whig principle, that the choice of the people is to be respected, surely, by this time, the choice of the people of Portugal had been sufficiently evinced. And he thought, that seeing that choice had continued for five years steadily in favour of Don Miguel, it was the duty of England to recognise him as king of Portugal. With respect to the affairs of Belgium and Holland, he had the strongest feeling of the injustice done to Holland; and a strong conviction, that England, instead of advocating the cause of Holland, had acted as a party against that country. But there was another question connected with that subject, which bore upon our constitution, and on which he wished to make some remarks. For the last three months an embargo had been laid on all Dutch ships and property in our ports, and orders issued to our navy to detain by force all trading vessels belonging to Holland. He doubted much whether this act was not inconsistent with public law, or whether the government was justified, either as respected their own subjects or those of Holland, in detaining the ships of a foreign power, except in contemplation of actual war. He wished to know by what authority the king ordered the detention of these vessels? If injuries had been done by the Dutch to British subjects, and redress had been refused them, he admitted that there would be grounds for the proceeding; but he maintained, that where the seizures were not made by way of reprisals, such an act was not in conformity to public law. Perhaps his Majesty's government thought, that because this was a great and powerful nation, and had to contend with but a small one, it might set aside the doctrines of public law. Without detailing the authorities who had written on this subject, he would merely beg to call their attention to the words of one writer on the subject, whose authority had been generally allowed. He alluded to Vattel, who said that for a prince "to grant reprisals against a nation in favour of foreigners, is to set himself up for a judge between that nation and these foreigners, which no sovereign has a right to do." Vattel proceeds: "Now, what right have we to judge whether the complaint of a stranger against an independent state is just, if he has really been denied justice? If it be objected that we may espouse the quarrel of another state in a war that appears to us to be just to give it succours, and even join with it; the case is different. In granting succours against a nation, we do not stop its effects, or its men, who are with us under the public faith, and in declaring war, we suffer it to withdraw its subjects and effects." But there was no war whatever with Holland, nor any contemplation of hostility towards her. Why, then, had an embargo existed for the last three months upon her ships—the ships of a friend, even an ally? The noble lord (Palmerston) indeed declared, that to say a war existed with Holland

proceeded from a mere wandering of the brain, a dream of imagination; that the attack of Antwerp was no more than a civil ejectment. If the attack on Antwerp, the twenty-two days' siege, was not a war, upon what principle had the embargo been imposed? Upon what principle did it still continue? There was, he presumed, no other Antwerp to be besieged. But even if there were, he denied that the ministry could be justified, or sanctioned by the public law of nations, in seizing upon the Dutch ships. It was indifferent what engagements might have been formed with France or Belgium. They could confer no right to perpetrate an injustice upon another state. Indeed it was rather a heavy aggravation of the original wrong, that such conduct should be grounded on the existing state of relations between this country and France. He relied upon the public law of nations. Holland had done England no injury; there was no war, no feeling of hostility; and the embargo was therefore, according to the principles of international law, perfectly unjustifiable. By what just exercise of the prerogative were the king's subjects debarred from trading with Holland? It was said, that this was necessary for the preservation of peace; but was not necessity proverbially "the tyrant's plea?" And if such a mode of argument were once recognised, law and justice would soon come to be superseded. For the last three months, commercial intercourse between this country and Holland was cut off. Now, he remembered the arguments urged by hon. gentlemen opposite against the Alien Act. According to them, it was no less than a violation of *Magna Charta*, which guaranteed free intercourse with foreign nations. They denied that any alien, whether friend or enemy, could be sent out of this country. They further referred to Blackstone, who was quoted in order to show how prominent this right of intercourse stood amongst the principal privileges of merchant strangers. Blackstone said, "that foreign nations have a right, and that the prerogative cannot deprive them of that right, to enter this country; that so careful is the municipal law of the rights of strangers that there is no power or prerogative in the Crown to interfere." Montesquieu, also, held up the generous example of England, as worthy of all eulogy and imitation by other countries, of foreigners in amity with England to carry on a free intercourse with this country. But what now became of the eulogy of Montesquieu, if the king could by his prerogative stop the intercourse of a friendly nation with the people of England? All these authorities had formerly been quoted in support of principles which were now utterly violated.

The address met with his general concurrence. Upon any minor points it was useless to remark upon an occasion on which perfect unanimity, or what was next to it, an overwhelming preponderance of opinion, was most desirable. It was his duty to support the Crown in relation to the measures for Ireland, and the support he gave was dictated by principles perfectly independent and disinterested. He had no other views than to preserve law, order, property, and morality. In the course he pursued that night, was to be found an indication of the course he meant to take on future occasions. It was not one adopted, as some might imagine, to recover office. Between office and him a wide gulf existed. He had no desire to return to place. He wished he could have said, that he reposed an increased confidence in the present ministers; but that was not the case; he felt no disposition to place additional trust in them; his course, therefore, was determined solely by public considerations, without one view of personal advantage. The great change that had recently taken place in the constitution of the House, justified and required from public men a different course of action. Formerly there were two great parties in the state, each confident in the justice of its own views—each prepared to undertake the government upon the principles which it espoused. All the tactics of party were then resorted to, and justifiably resorted to, for the purpose of effecting the main object—that of displacing the government. He doubted whether the old system of party tactics were applicable to the present state of things—whether it did not become men to look rather to the maintenance of order, of law, and of property, than to the best mode of annoying and disquieting the government. He saw principles in operation, the prevalence of which he dreaded as fatal to the well-being of society; and whenever the king's government should evince a disposition to resist those principles, they should have his support, when they encouraged them, his decided opposition.

It had been said he was opposed to all reform—the charge he directly denied.

To Parliamentary Reform he was certainly opposed; but that he had been an enemy to gradual and temperate reform, he flatly contradicted. When he heard the learned gentleman speaking of the Jury Bill, and of that change in the practice in Ireland which took the nomination of Sheriffs from the Crown, and gave it to the Judges, he could not but recollect that of both those measures he himself was the author. He was for reforming every institution that really required reform; but he was for doing it gradually, dispassionately, and deliberately, in order that the reform might be lasting. He never would admit that the condition of this great country had been what it was described to be—a mass of abuse. He dreaded the disposition which was already manifested to throw every thing into confusion—to shake all confidence by rash and precipitate legislation—by the foolish presumption, that every thing heretofore was wrong, and that a Reformed House of Commons could set it right. The Order Book already contained notices for new laws on every imaginable subject—for simultaneous change in every thing that was established. The king's government had abstained from all unseemly triumph in the king's speech respecting the measure of reform. He would profit by their example, and would say nothing upon that head; but consider that question as finally and irrevocably disposed of. He was now determined to look forward to the future alone, and, considering the constitution as it existed, to take his stand on main and essential matters—to join in resisting every attempt at new measures, which could not be stirred without unsettling the public mind, and endangering public prosperity. It should be widely known that the industrious classes could only subsist by public tranquillity—by the existence of those habits of obedience, and that general order which would allow men possessed of property to bring their capital into operation; and that the welfare of the labouring—he would not say lower—classes was secured by the peaceful enjoyment of all property, and by avoiding those measures which must increase the apprehensions he was confident existed in the minds of capitalists. There were, he was aware, no means of governing this country but through the House of Commons: and therefore he, humble as he was, was determined to take his stand in defence of law and order—in defence of the King's throne, and the security of the empire—from motives as truly independent as those by which any member of the most liberal opinions, and representing the largest constituency in the kingdom, was actuated.

The debate was again adjourned till February 8, when, after a long discussion, the address was agreed to.

REFORM OF THE CHURCH OF IRELAND.

February 12, 1833.

Lord Althorp concluded a speech of considerable length, by moving for leave to bring in "A bill to alter and amend the law relative to the Church Establishments of Ireland."

Mr. O'Connell supported the motion.

SIR ROBERT PEEL said, he wished, in the first place, to make an observation on a point of form rather than of substance. He had considerable doubts whether it would not have been more in conformity with the practice of the House to have brought forward a proposition like this, relating to matters of religion, in a committee of the whole House. There was a standing order to that effect, and, of course, the next question would be, whether the present proposition was or was not a question relating to religion. He apprehended, if, in proposing the repeal of the Test and Corporation Acts for the purpose of admitting Dissenters to civil privileges, a noble lord thought it a subject so intimately connected with religion that he made that proposal in committee, the same course ought to have been pursued with the present question. He, himself, in bringing forward the repeal of the Catholic disabilities, proposed the measure in a committee of the whole House. Considering, then, what had been the practice of the House, he thought a proposition, a part of which was the extinction of ten out of twenty-two of the Protestant bishoprics in Ireland, should have been so far considered a matter of religion as to be made in

committee. If it were intended to abolish the former practice of the House altogether, that might be an answer for the future; but the order stood the same as in the last session, and therefore the question was, whether they should adhere to the established custom of the House, and whether the noble lord should not be required to make his proposition in a committee of the whole House. With regard to the main proposition of the noble lord, he must say that his confidence in the justice and policy of that proposition, or in the wisdom of the House, was not much confirmed by the universal acclamation with which it was received, and by the apparent determination at once, without further consideration, to adopt this plan, which was said to be fraught with benefit to Ireland. The proposal was too important to be disposed of suddenly; it involved many questions connected with the security of the Established Church, many considerations of so much importance, that hon. gentlemen must place great confidence in their own judgment to be enabled on the instant to pronounce it full of wisdom, and recommend its immediate adoption. It was not his intention, however, to attempt to diminish the satisfaction felt by some hon. members, but to ascertain whether he exactly understood the proposal. He understood from the noble lord that the Tithe Composition Act of the last session was to remain in force, and that other acts were to be passed to further the operation of that act, so as to enable the possessors of land to rid themselves of the annual charge of tithe and tithe composition, by commuting that charge for a payment to be made once for all. He was not sure whether the proposal made last session for appointing diocesan corporations was to be abandoned, nor did he rightly understand what the corporation which the noble lord intended to establish was to do.

Lord Althorp said, it was not quite correct to call it a corporation. Commissioners were to be appointed who would have the power of managing those matters, such as repairs and buildings, the expense of which was now defrayed by the church cess, and the other duties which he had described would also devolve on them. Those commissioners would not be in the nature of diocesan corporations. [Sir Robert Peel wished to know, to whom the compositions for tithes were to be paid?] Lord Althorp said, government meant to encourage commutation, and the proceeds would, of course, be paid to the clergy. That was a subject, however, which was not comprehended in this bill. The commissioners appointed under this bill would have nothing to do with it.

Sir Robert Peel admitted that it was hardly fair to ask the noble lord to enter upon any detailed explanation of his measure at the present moment; and, in asking the question he had just put to the noble lord, his object was rather to suggest to the House the propriety of suspending their judgment upon a measure which was imperfectly explained and little understood, than to give it at once their entire and unqualified approval. He understood the noble lord to propose that the whole amount of revenue belonging to the United Church of England and Ireland, as it existed in Ireland, whether vested in commissioners or any other body, should be applied, at least for the present, to ecclesiastical purposes; that the payers of tithe should have the option of commuting the tithes for a fixed payment in lieu of all future demand on account of tithe; but that the whole amount of revenue, in whatever shape it existed, should be at present applied to ecclesiastical purposes. He thought it but right to state with what impression he had come down to the House, and what was the general principle upon which he was prepared to consider any proposal for altering the condition of the Established Church in Ireland. He admitted that the time was now come when the whole state of that Church must undergo an enlarged and comprehensive consideration. The time had come when it was desirable that it should undergo that consideration, not so much for the purpose of conciliating any party hostile to the Church, but for the purpose of determining whether any thing could be done to add to its stability and security. He had come down prepared to consider favourably any plan which might tend to correct the abuses of the Church—such as the holding of pluralities, the duties of which could not be satisfactorily discharged by the individuals holding them, or the conversion into sinecures of functions which ought to be actively discharged. He was prepared to receive favourably any scheme of reform, which, whatever might be its tendency to diminish the utility of the church as a source of patronage to government, might tend to propagate and extend the blessings of the Protestant faith. There were many parts

of Ireland in which there existed no means for the support of the Protestant clergyman. There were many districts in which there was no church and no glebe-house. They ought to apply themselves to discover the best mode of supplying those deficiencies, whether by the means heretofore employed for the support of the church, by a public fund set apart for that purpose, or by a tax paid by the people. He did not object to the appropriation of some portion of the revenue of the Church of Ireland to a purpose which he considered strictly ecclesiastical, and which, he believed, would tend to increase its utility. He was prepared—and he now only repeated those sentiments which he had expressed in the last parliament—he was prepared, he repeated, to admit that he thought that no settlement of the question relating to the church would be satisfactory and consistent with the safety and security of the establishment, which did not involve an arrangement on the subject of church-cess and vestry rates. He thought that it would be an immense advantage to remove the Protestant Church in Ireland from contact and collision with the Catholic peasant. As the landed property of that church was chiefly in the possession of Protestants, he saw no injustice in placing upon the Protestant holders of land in fee those charges which both law and equity imposed, and to which the church had as much right as the landlords of Ireland had to the enjoyment of their property. Even if they should succeed in removing all complaints arising out of the exaction of tithes from the Roman Catholic tenant of the Protestant landlord, they must not suppose that their arrangements would be complete unless they also released the Roman Catholic tenant from the payment of church-cess. Though the amount of that cess was not great, yet it would be considered a still more aggravated grievance than it was at present if it should be retained after tithes were abolished. In what way that charge should be provided for was matter of detail; but probably some arrangement might be made just towards the church, and satisfactory to all other parties. Such were the changes with respect to the Irish Church which he was prepared to make. The noble lord's proposal involved some matters with respect to which he entertained great doubt. The noble lord proposed the abolition of ten out of twenty-two bishoprics in Ireland, and the House had received that proposition with very general acclamation. He was of opinion, that before they formed a final judgment on this subject, it would be well to enquire what were the duties performed by the existing bishops, and what would be the duties devolved on those to be retained under the new arrangement; and whether some other plan, which, while it did not entail any additional charge on the church revenues, strengthened the church establishment, might not be preferable. He was by no means prepared to decide on the instant that twenty-two bishops were too many for Ireland. The great object he had always understood of those who contended most strenuously for church reform was, to separate the existing unions of five or six parishes, and by building churches and glebe-houses in some parishes where none existed at present, to bring nearer to the Protestant population the means of attending divine worship. This he understood to be the object of the noble lord; and by this part of his plan the duties of the bishops would be increased. If they dissolved the unions of parishes, and built glebe-houses, they would multiply the number of the working clergy, and in like proportion augment the duties of the bishops. In his opinion, the circumstances of Ireland were such as made it the imperative duty of the House to require the strict performance of his duty from every Protestant clergyman there. He thought that, even for the sake of the civil interests of that country, and still more for the sake of its spiritual interests, there should be in every part of the country, where circumstances would allow, a resident Protestant clergyman. They had heard of late many complaints of the evils of absenteeism, of the non-residence of landlords. The hon. member for Bolton (Colonel Torrens) had indeed declared the other night, that the more capital was sent to Ireland, the more would the evils of that country be aggravated; and he supposed it was a recognised doctrine of modern political economy, that it was a curse for a country circumstanced like Ireland to possess capital. He was ready to admit that it would be very unwise to force capital into Ireland; but if it was one of the new discoveries of political economy, that the voluntary transfer of capital into Ireland would entail a curse on that country and not a blessing, he must say that his faith in the science would be greatly shaken. He recollected that another great political economist had asserted, and demonstrated as

he imagined, by strict mathematical proof, that it was no sort of consequence to Ireland whether an Irish proprietor resided in Ireland or France—whether he spent his money, drawn from the soil and industry of Ireland, among the retail dealers of Dublin or Paris. Until the universal sense of all mankind, who were not political economists, were proved to be erroneous, he must continue to think the residence of landed proprietors an advantage to a country; and therefore to infer that, even in a temporal point of view, much benefit would result from the establishment of a resident clergy. He agreed with Bishop Berkeley, in thinking that an Irish gentleman was not a worse man for wearing a black coat, and saying his prayers twice a-day; and he might add, for spending his income among the people from whom he derived it. To encourage—to compel this, would be a far better plan than to put the revenues of the church into the pockets of Irish landlords, to be spent by them in any other place but their own country. He thought that every clergyman ought to be maintained in a situation consistent with the condition of a gentleman. It was fit that he should be enabled to hold up his head in society on an equality in point of station and respectability with those to whom, in point of education and manners, he was at least equal. Any change, therefore, in the distribution of church property ought to involve, not only a competent, but a liberal maintenance for the clergy of Ireland. One word with respect to the present condition of that clergy. He did not believe that there could be any Irishman in the House who was not impressed with the gross injustice which was at present inflicted upon the ministers of the Protestant Church in Ireland. They were willing to perform their spiritual duties, but they were prevented doing so by violence; and many there were who had commenced legal measures to recover their undoubted rights, and had abandoned them in order to prevent collision between themselves and their parishioners. He did not believe that that Reformed House would view with dissatisfaction some proposition to give them present relief out of the public funds; for it was painful to see the ministers of the establishment dependent for the means of existence on the eleemosynary contributions of the people of this country. He admitted the difficulties which, on account of the state of society, of population, of religious differences in Ireland, attended all questions connected with the Church of Ireland; but that was only an additional reason for taking an enlarged and comprehensive, and deliberate and dispassionate, view of the state of that church. If they multiplied the duties of the clergy—if they required from them residence in their parishes—if they severed the unions—they would, of course, multiply the duties of the bishops, who, he understood, were to be intrusted with new powers to compel the satisfactory discharge of their functions on the part of the inferior clergy; and it was this consideration which made him doubt the policy of the proposed reduction of the number of Irish bishops. The noble lord had not explained whether he intended to propose any corresponding reduction in the number of the Irish bishops who were now entitled to sit in the House of Lords. If he were about to reduce their number, that reduction involved a constitutional question of great importance, independent of Church Reform. If the number of the Irish bishops sitting in parliament was to remain the same, the number left in Ireland during the sitting of parliament would be reduced from twelve to eight. These were matters of great importance, and, in common decency, the House ought to go through the forms of deliberative consideration before it pronounced an opinion on questions deeply and permanently affecting the best interests of the country. The noble lord proposed that the commissioners appointed under the bill, should have the power of deciding whether spiritual duties should continue to be performed in any particular parish, or be extinguished altogether. This seemed a very novel and extraordinary power to be exercised by any authority inferior to that of parliament. He was ignorant of what qualifications or limitations were to be attached to this power. He had no wish to invite any explanation on this subject at the present moment; but he should reserve to himself the right, at a future period, of soliciting all information which might throw light on it, and of forming, by the help of that information, a judgment as to the details of the measure. The noble lord had said nothing with respect to the lay patronage of the Church, and probably that was a subject not intended to be comprehended in this bill. He knew not how that might be; but with respect to lay patronage, though he had no desire to interfere with that, or any other description of private property,

yet he must say, there was a condition annexed to that property which ought to be enforced—namely, that the spiritual duties connected with it should be effectually performed. There was one part of the noble lord's speech which he had heard with great apprehension, because it appeared to him to establish a precedent by which the most dangerous inroads might be hereafter made upon the property of the Church. The noble lord proposed to give the power to every tenant of a Bishop to possess himself in perpetuity of the land which he occupied, by paying six years' purchase on the improved value of the land. [Lord Althorp intimated to the right hon. baronet, that the tenant would also be obliged to pay the rent.] He knew that; but still he considered this to be an enormous power. If a bishop had been moderate in the demand of rent, his tenant would have the power to possess himself of the land in perpetuity at a rent less than its value, and thus deprive the Church of part of its property. The noble lord then said, that a portion of the proceeds of these purchases of a perpetual interest in the land by bishops' tenants, was to be considered as applicable to secular purposes—and maintained this alarming doctrine, that if any benefit was conferred on the Church by Act of Parliament, the amount of that pecuniary benefit might be applied to secular purposes. He was not surprised that that proposition was hailed with acclamation. The noble lord had said, that he would not trouble the House with details. The noble lord was quite right. The House was indifferent about details after the establishment of such a principle. [*Cries of "hear, hear."*] Yes, but it was the joy of those hon. members that made him serious. It was because they acquiesced in those principles—because they considered details of so little importance—that he begged time to reflect upon and understand the plan before he received it with acclamation. The noble lord had said, that the chief merit of the proposed plan was, that it steered clear of all principle—that those who thought Church property might be devoted to secular purposes, and those who thought it ought to be extinguished altogether—[Lord Althorp intimated dissent.] He believed an exception was made by the noble lord with respect to the latter party; but that those who thought Church property ought to be applied to strictly ecclesiastical purposes, under a different distribution, might shake hands, and join in approbation of this plan. He differed here from the noble lord. If ever there was a time when the government should have guided the public mind by pronouncing a decided opinion upon principle, it was the present. What the noble lord considered the chief beauty of his plan he regarded as its chief defect. Though he agreed with the noble lord in wishing to abolish the charge of Vestry-cess—though he thought that no arrangement could be valuable which did not include the abolition of that levy—though he thought that a different distribution of Church property might be made if the appropriation still remained exclusively applicable to Church purposes—though he agreed with the noble lord upon these points, there were many others connected with his proposition upon which he totally differed from the noble lord. He thought it necessary, for example, that the noble lord should have told the House that he was ready to stand by the principle which the right hon. secretary for Ireland had declared he should act upon—a principle which was necessary for the preservation of all property, corporate or individual—namely, that while all abuses were reformed, and all causes of complaint removed, the property of the Church of Ireland, though received by different hands, and subject to a different distribution, should still be kept inviolate, and applied solely to purposes connected with the Church. It was because the noble lord had not made that declaration—because he had left the public mind in doubt and uncertainty as to the opinions of government—nay, had warranted the impression that a difference of opinion existed among his colleagues with respect to that principle—that he feared great evils would arise. To the whole plan of his Majesty's government he should give his most serious consideration. There were parts of it which he should support, and parts to which he felt inclined to give his most determined opposition; and he could not conclude without repeating, that nothing which he had heard had given him so much pain, and excited so much apprehension, as this declaration of the noble lord—that the King's government was not prepared to stand by a fixed principle with respect to the exclusive appropriation of Church property to Church purposes.

An amendment proposed by Mr. Ruthven was negatived, and leave was given to bring in the bill.

EMBARGO ON THE DUTCH TRADE.

FEBRUARY 16, 1833.

On the motion of the Chancellor of the Exchequer, that the House resolve itself into a committee of supply;—

SIR ROBERT PEEL said, I rise, in pursuance of the notice which I have given, to make some observation on a subject of the highest interest to the commerce of this and other countries, and involving some considerations of great constitutional importance. It was my intention to avail myself of the opportunity of going into the Committee of Supply on Wednesday—to call the attention of the House to this subject; but, in consequence of the absence of the noble lord, the secretary for foreign affairs, and of the hon. and learned civilian, the member for the Tower Hamlets, and of the hon. and learned Attorney-general (for which, however, I do not attach to them the slightest blame, as I had not given them any notice of my intention), I was induced to postpone my observations until the present occasion. The subject to which I refer is the order in council, issued by his Majesty in Council, and bearing date the 6th of last November, which prohibits British ships from entering and clearing out for any of the ports within the dominions of the king of the Netherlands, until further orders; which imposes a general embargo on all ships belonging to subjects of the king of the Netherlands in British ports; and which authorizes the seizure, by the commanders of his Majesty's ships of war, of all merchant vessels bearing the flag of the Netherlands, in the open seas. In the debate which took place on the address, in answer to the speech from the throne, I stated that I entertained considerable doubts whether the power which that order assumed was constitutionally exercised. I felt, however, upon that occasion, that it did not become me, who had no other means of forming an opinion with regard to the law of nations than those possessed by any other individual in this House, not practically or professionally conversant with those laws, to express a decided opinion on the subject. If I had received from the hon. and learned gentleman (Dr. Lushington) who replied to me on that occasion, and who justified the order in council, any satisfactory solution of my doubts, I should readily have deferred to the high authority of his station, abilities, and professional experience. But when such authority is wholly unsustained by argument, it confers no support on the cause of which it is the advocate. It rather leads to the presumption that all has been said that can be said, and that that all being insufficient, the cause is intrinsically bad.

The order in council to which I refer, completely prohibits all commercial intercourse between his Majesty's subjects and any of the ports within the dominions of the king of Holland; it authorizes the detention of Dutch vessels, being found within our ports and harbours; and, proceeding much further than orders in council have generally gone, is not limited to a simple embargo, but authorizes the forcible seizure on the open seas, by his Majesty's ships of war, of all merchant vessels bearing the flag of the Netherlands—and the sequestration of their cargo. This order in council assigns no reason whatever for so violent a proceeding; it merely states, that it is by order of his Majesty, with the advice of his privy council, that restrictions are imposed on our commerce with Holland, and vessels belonging to a nation at peace with this country are to be forcibly detained. This order is simply signed, "Charles Greville." This appears a very summary mode of dispensing with the statute law of this realm. That it is an exercise of prerogative, suspending acknowledged statute law, no man can deny;—that it is an exercise of prerogative, admitting of gross perversion and abuse, is equally unquestionable. I do not assert—for I have no means of proving, nor have I heard it alleged—that there has been in this individual case actual partiality or abuse—but the unusual exercise of any prerogative which affords the opportunities of undue favour, and of perversion to party purposes, justifies extreme vigilance and rigid scrutiny. The first order in council was followed by another order, empowering certain departments of the government to dispense with the rigour of the first individual cases, according to their discretion—that is to say, there is a general suspension, at the will of the Crown, of one branch of the lawful commerce of the country; and au-

thority given to certain officers of the Crown to permit that commerce in individual cases. Could a corrupt government wish for greater facilities of favouritism and abuse?

My first proposition is one which it is hardly necessary to prove, but which, that I may not be charged with assuming any thing, I will prove—namely, that the rights suspended by this order in council, are rights possessed both by British subjects and by foreign merchants, under the positive sanction and guarantee of the statute law. Whether there be a prerogative inherent in the Crown to suspend those rights under certain circumstances, and whether such circumstances have in this case occurred, are other questions; but that the rights suspended are unquestionable legal rights, admits of no doubt. I will show, by repeated statute laws, that merchant-strangers, belonging to a country in amity with this, have as clear a right to free intercourse with the shores of this country as the native subjects of the king. This right has been conferred by the earliest statutes, and has frequently been confirmed. I take the first—Magna Charta—in which it is declared—‘That all merchant-strangers (except such as be so publicly prohibited), shall have safe and sure conduct to depart out of England, to come into England, to tarry here, to go in and through England, as well by land as by water, to buy and to sell without any manner of evil toils, by the old and rightful customs, excepting in the time of war.’ It then goes on—‘And if there shall be a land making war against us, and they be found in our realm at the beginning of the war, they shall be attached, without harm of body or goods, until it be known to us or our Chief-justice, how our merchants therein the land at war with us shall be entreated; and if our merchants be well entreated there, theirs shall be well entreated with us.’ Now, I will take these clear provisions of the law; and I ask whether the order in council that was issued in November last is consistent with either their spirit or their letter? I say that merchant-traders by this statute have a right to carry on, in time of peace, a free commercial intercourse with this country; and I am sure that a reformed House of Commons will not reject the authority of this law as obsolete, because it is Magna Charta. The expression is *nisi publicè prohibiti*,—that is, that they have a right to trade unless they are forbidden by previous and public warning to the contrary. Lord Coke gives it as his opinion, in allusion to the words *publicè prohibiti*, that the prohibition intended by this act must be by the common and public council of the realm—that is, by Act of Parliament; for that it concerneth the whole realm, and is implied by this word (*publicè*). Lord Coke may perhaps carry this too far in requiring a statutable prohibition; but the abstract which I have read from Magna Charta proves, that foreign merchants have a right to trade with us while this country remains at peace with their native lands. In the present instance we are at peace with Holland, and yet we have seized on and sequestered the property of her subjects, without notice, without public prohibition, without waiting to see whether our merchants be well entreated there—nay, we have waited, we find our merchants well entreated in Holland, but we continue the maltreatment of the Dutch traders. The provisions of the Magna Charta are thus emphatically confirmed by the 27th Edward III. c. 2, in which it is provided that—‘To replenish our said realm and lands with money and plate, gold and silver, and merchandises of the lands, and to give courage to merchant-strangers to come with their wares and merchandises into the realm and land aforesaid, we have ordained and established that all merchant-strangers, which be not of our enmity, of what land or nation that they be, may safely and surely, under our protection and safe conduct, come and dwell in our said realm and lands where they will, and from thence return with their ships, wares, and all manner of merchandises, and freely sell their merchandises at the staple, and elsewhere within the same realm and lands, to any that will buy them, paying the customs thereof due.’

Now, I will not say that the Crown has not the prerogative to dispense with the law on this point; but I will repeat that it is manifest, that by the statute law of the land, merchant-strangers of a country in amity with us have a right to free commercial intercourse with us; and that, if his Majesty's government issue an order in council, prohibiting that intercourse, they dispense with the statute law of the land. Those statutes are in full force at the present moment; and it is impossible to refer to them without admiring the liberal principles by which our ancestors were actuated in their regulations respecting foreign commerce. All those who are the friends of

free trade may refer with peculiar satisfaction to those statutes which long preceded the Navigation act, and all other acts of a prohibitory nature. Those statutes are founded on the principle, that the prosperity of English commerce is interwoven with the prosperity of foreign commerce, and that regulations favourable to the commerce of other countries would prove favourable to the commerce of our own.

So much for the express law on this subject. I shall now proceed to prove that no exercise of prerogative suspending this law can be justified, excepting in cases of extreme emergency—of clear and manifest necessity. I shall prove this by reference to the highest and most unexceptionable authorities, and shall begin with that of Lord Erskine. The House will see at once that it is in precise accordance with the doctrine I have laid down. Upon the occasion of the orders in council, Lord Erskine placed his opinions on record by moving certain resolutions in the House of Lords. The resolutions are as follow:—

1st. That the power of making laws to bind the people of this realm is exclusively vested in his Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons of the realm in parliament assembled; and that every attempt to make, alter, suspend, or repeal such laws, by order of his Majesty in privy council, or in any other manner than by his Majesty or parliament, is unconstitutional and illegal.

2nd. That the advising his Majesty to issue any order in council for dispensing with or suspending any of the laws of this realm, is a high violation of the fundamental laws and constitution thereof; that the same cannot in any case be justified but by some unforeseen and urgent necessity, endangering the public safety; and that in every such case, it is the duty of his Majesty's ministers to advise his Majesty, after issuing such order, forthwith to assemble parliament, that due provision may be made for the public safety.

3rd. That the law of nations is part of the law of the land, and that neutral nations, not interposing in the war between his Majesty and his enemies, have a legal right to such freedom of commerce and navigation as is secured to them by the law of nations.

These are the opinions of a man so eminent in the law, as to have been selected to fill the office of Lord Chancellor by an administration which professed principles similar to those of the present. I can quote many other authorities to the same effect; but as I presume that this House will partake of the indisposition, generally manifested by its predecessors, to the hearing of long quotations of legal opinions, I will, instead of entering into detail, beg leave to refer to a passage which comprises the chief authorities on which I rely, and which is contained in a very able pamphlet, written upon the subject of the orders in council, and universally ascribed to Lord Brougham. I know not whether that noble and learned lord be the author or not; but the pamphlet exhibits a degree of learning and ability every way worthy of him. The work was at the time reviewed in a celebrated periodical publication—*The Edinburgh Review*. It was spoken of in terms of the highest praise, and the only fault pointed out was, that it understated the force of law as compared with prerogative, and did not place on sufficiently high ground the legal rights possessed by merchant-strangers. I care not whether this pamphlet be the production of Lord Brougham or not; for I refer to the passage which I am about to read, not as an authority in itself, but because it recites the highest legal authorities in a condensed form, and thus saves me the trouble of individual reference. The following is the passage, to which I beg the attention of the House:—

“Prohibitions of exportation have also been often attempted by proclamation, chiefly in the case of arms during war, and corn during war or famine; but Hale says, ‘that even in times of danger they were not much relied on.’ That eminent lawyer concludes, that the maxim *que la mer soit ouverte* is the ancient principle of our constitution, and that the ports can only be shut either against the trade of natives or of foreigners at enmity with the Crown by statute.

“The opinions of other lawyers, and the practice of the constitution in later times, have been precisely consonant with this principle. In admitting the power of the Crown to lay an embargo, Lord Chief-Justice Holt adds, that it must be upon great emergencies. The authorities cited for this power in the arguments of Mr. Hampden's counsel, go only to prove its existence in ‘time of

war and imminent danger;' meaning, evidently, not merely a state of warfare in general, but some specific and temporary object of the war—as an expedition, rebellion in the country, &c. So in the case of impositions cited for the same purpose, Mr. Hakewill, who states the power most widely, speaks of a short time, and instances as an emergency which would give the power, 'the want of shipping upon some sudden attempts.' While Mr. Gelverton denies, that since the time of Edward III., any authority, except that of parliament, can, except for the moment, and on a very extraordinary emergency, affect the trade of the realm."

This pamphlet has also the following remarkable passage:—"Will it be pretended in the reign of George III., that the Crown can prescribe what merchant-strangers are to do in this realm, when the Judges of Philip and Mary, all in one voice, declared, that it could not lawfully prevent them from coming here, or oblige them to trade in one port rather than in another? Will it be maintained, that because the Crown may declare war against a foreign prince, and make his subjects alien enemies, therefore it may, without declaring war, impose restraints upon their conduct within this realm, when we see that there is no power whatever of preventing those subjects from trading in all parts of the realm, so long as peace subsists with their sovereign?"

I have now referred to the express provisions of the statute law—to the recorded opinions of Lord Chancellor Erskine—to the supposed authority of the present Lord Chancellor; together with the authorities which he quotes—namely, Chief-Justices Hale and Holt, and the counsel of Hampden, all of whom concur in maintaining the proposition for which I contend, that the rights given to foreign and native traders by the statute law are indefeasible except in time of war, or some imminent emergency threatening the public safety. These are the only occasions on which restrictions can be placed by prerogative on those rights which stand on the same foundation of law with all other rights of the king's subjects.

The hon. and learned member for the Tower Hamlets met my argument the other night by a reference to the authority of Lord Stowell. It is necessary that my proposition should be clearly understood. I am not contending against the existence of a prerogative inherent in the Crown, to suspend, under certain circumstances, privileges and immunities conferred by law. I am prepared distinctly to admit, that there is such a prerogative of the Crown; but I maintain that that prerogative cannot be constitutionally exercised excepting in some case of manifest necessity. I maintain that, in relation to a foreign state, the Crown cannot in time of peace deprive merchant-strangers of their legal right of free intercourse, excepting in one of these two cases; first, to procure redress for actual injury sustained by subjects of the Crown—that is, to exercise the right of reprisal; or in the *bonâ fide* contemplation of hostilities with the power against which the measures of preliminary caution or severity are directed. This is the limitation which I place on the prerogative of the Crown. If the power of the prerogative extends beyond these limits—if, on the mere arbitrary allegation of state necessity, or on the vague apprehension of possible war, the Crown can suspend the law, then we live not under the rule of law, but under that of undefined and discretionary power. I know that in other cases, besides those to which I have referred, the Crown has claimed the prerogative of dispensing with the laws; but those are chiefly cases of domestic dangers, wherein the measures taken have not interfered with our international relations; and a reference to these cases will show, that the claim of a suspending prerogative has been uniformly watched with the utmost jealousy; that, in some cases, parliament has conferred by statute the suspending power; in others, wherein it has been exercised without previous authority, has sanctioned the act, and indemnified the agents.

In 1803, on the breaking out of the last war with France, circumstances existed which induced the government to think that it might become necessary to suspend the ordinary operation of the law in certain cases. I find, however, that the then government did not imagine that the Crown had an inherent authority to do this; for power was expressly given by statute for that purpose. The 43rd George III., recites that, "Whereas the public safety may require that temporary restraints should

be imposed on the exportation of copper from his Majesty's dominions;" and then enacts, "That from the time of passing this Act until six months after the ratification of a definite treaty of peace, his Majesty shall have the power to prohibit the exportation of copper to any place in Europe by orders in council." The period during which his Majesty was authorized to exercise this extraordinary power, was expressly limited to six months after the ratification of a definitive treaty of peace. In 1766, under the administration over which Lord Camden and Lord Chatham presided, there was an apprehension of famine, and, by the advice of his ministers, the King exercised his prerogative, and issued an order in council prohibiting the exportation of wheat and other corn. Lord Camden at first contended that the power of doing this existed in the Crown, in virtue of its prerogative. A long discussion ensued upon the question. In the *Parliamentary Register* is an argument, in the form of a speech, attributed to Lord Mansfield, though I believe not composed by him, in which all the reasoning against the dispensing power of the Crown is embodied, and the result was, that the arguments of Camden and Chatham were overruled by the plain common sense of parliament; and an Act was passed to indemnify not only the officers who carried the order in council into effect, but the ministers who advised his Majesty to issue it.

The preamble of this Act, the 7th George III., is as follows:—"Whereas, his Majesty, by an order in council bearing date the 26th day of September last, was pleased to order that an embargo should be laid upon all ships and vessels laden, or to be laden, in the ports of Great Britain with wheat or wheat flour to be exported to foreign parts, from the date thereof, until the 14th day of November following; which order could not be justified by law, but was so much for the service of the public, and so necessary for the safety and preservation of his Majesty's subjects, that it ought to be justified by Act of Parliament; and all persons advising, or acting under, or in obedience to the same, indemnified."

I am aware that these cases are not immediately connected with the subject at present under our consideration, and I only refer to them for the purpose of showing that parliament has uniformly and most wisely exhibited extreme jealousy in regard to a suspending prerogative on the part of the Crown, even when it has been called into action in cases of great and admitted danger. The question before us now is, whether in the foreign relations of this country, circumstances have occurred which justify ministers in having advised his Majesty to issue an order in council authorizing the detention of Dutch vessels, and preventing the intercourse of our own vessels with the ports of Holland; and whether, parliament being assembled, such restrictions on our own commerce, and the commerce of a friendly power, may be continued for an indefinite period on the sole authority of the Crown? I maintain they cannot—that there is no proof, no presumption even, that this embargo, as it is called, was imposed, or is now continued either as a measure of necessary precaution to protect our own vessels from seizure in Holland, or as the means of redress for injuries sustained by British subjects, or as a measure of hostility preparatory to actual war. If it can be defended on none of these grounds, the order in council which authorizes the embargo, is an exercise of discretionary power unwarranted by the law and constitution of this country, and at direct variance with the public law of nations.

We have had no public communication that hostilities are apprehended. In the Speech from the Throne his Majesty says, "The embargo which I had directed to be imposed on the Dutch commerce has been continued." This is not a proper description of the act of his Majesty. The order in council not only imposes an embargo on Dutch commerce in the ports of England, but authorizes the forcible detention of Dutch vessels upon the high seas. An embargo, in the ordinary sense of the term, does not imply a right to make war on the trading vessels of a country at amity with you. This order in council goes much further than those which have generally been issued, even in the contemplation of immediate hostilities. Let us see then, whether the state of circumstances existing between Holland and this country is such as to justify the resort to such unusual and extreme rigour. How does his Majesty, in his last speech from the Throne, describe our present relations with Holland? "I have also to regret that my anxious endeavours to effect

a definitive arrangement between Holland and Belgium have hitherto been unsuccessful. I found myself at length compelled, in conjunction with the King of the French, to take measures for the execution of the treaty of the 15th of November, 1831.

"The capture of the citadel of Antwerp has in part accomplished that object; but the Dutch government, still refusing to evacuate the rest of the territories assigned to Belgium by that treaty, the embargo which I had directed to be imposed on the Dutch commerce has been continued. Negotiations are again commenced, and you may rely on their being conducted on my part, as they have uniformly been, with the single view of ensuring to Holland and Belgium a separate existence, on principles of national security and independence."

Why, surely this speech from the throne disproves the apprehension of war. Here is not a word about imminent danger of hostilities, but a public declaration that we have again resumed negotiations with a power in amity with us. Is it possible to contend that British subjects have sustained any injury from Holland? Can it be said that an embargo was imposed on British commerce because the government apprehended the seizure of British vessels? If so, the result has proved that they were mistaken. The conduct of Holland has not justified your suspicion. She has not followed your example—she has not seized our unarmed vessels—without public notice of her intentions. The language of the ministers of the Crown corresponds with the language of his Majesty's speech. It denies the existence of war; and if it had any meaning at all, it completely disproved the apprehension or the probability of hostilities at the time the order in council was issued. If the order in council was in itself an act of injustice which, by forcing Holland to resist, made war a probable event, such a probability of war, originating in such a cause, would be no justification of the order. You have no right to create the fear of war by your own wrong, and then justify that wrong by the fear which is the offspring of it. The language of ministers to which I allude is the speech of the noble secretary of state (Lord Palmerston), addressed to his constituents. If a minister discusses questions of peace and war at public meetings, he does it, I presume, advisedly, intending to abide by what he says. I cannot suppose that the declarations which the noble lord made upon the occasion I refer to, were intended merely to cajole his constituents. Be this as it may, this speech is a public intimation, proceeding from a minister of the Crown, and it completely negatives the existence and the apprehension of war. The noble lord is reported to have said:—"Well, then, as to the third pledge of peace—ay, he would take the bull by the horns, and would not be daunted by the cries of Dutch war, with which his ears had been assailed. Why, would gentlemen believe, that, in point of fact, there is no Dutch war at all? That England is at war with no power, great or small; that this Dutch war is a mere creature of the imagination and exuberant fancy of those who set up the cry? The embargo here, and the process of ejectment carrying on at Antwerp, are not war against Holland."

Then the French expedition was no war! If that had been war, the orders in council might have been justified, because then there would have been an apprehension of hostilities; but if the siege and capture of Antwerp—if the surrender of 5,000 men as prisoners of war—if the slaughter of several hundreds was not war—and if the capture of Lillo and Leifkenshoek (if that should be effected next spring) will not be war—where, I ask, is your apprehension of hostilities, and where is the justification of your embargo? The noble lord says, that it required a vivid fancy to foresee even a prospect of war, when France marched 70,000 men through Belgium to attack Antwerp. Why is it, then, that now, Antwerp having surrendered, and the French army having returned—why is it that for thirteen weeks British commerce has been suspended, and the armed vessels of his Majesty have been ordered to seize on the trading vessels of a friendly power? I perceive that the learned civilian, the member for the Tower Hamlets, can hardly contain himself when he hears a doubt raised as to this being war. He says, that it is war, and nothing but war, to seize by force on the high seas the vessels of another power. Whether that seizure be war or not, it is an act of unparalleled severity and injustice. Rarely, indeed, has England resorted to a proceeding of this nature, even under the immediate apprehension of war. I could cite many instances in which England,

under such circumstances, has respected the property of private traders. When we seized the Danish fleet at Copenhagen, hostilities were not directed against trading vessels. It was not until after Denmark had seized trading vessels of our own country, that an order in council was issued authorizing the seizure of theirs. When, in 1804, we blockaded the French and Spanish fleets in Ferrol, and seized by force the Spanish frigates laden with treasure, no order in council was issued authorizing the detention of the trading vessels of that country. In 1803, when the Dutch territories were occupied by the army of France, one month before the declaration of war with the Batavian republic, we imposed an embargo on Dutch ships in the ports of this country, but we did not issue an order in council authorizing the detention of trading vessels on the open seas. The principle of our policy, on these occasions, is evident. It is manifestly the interest of England to encourage lawful commerce. On that principle England has acted at all times. Even when hostilities were apprehended, she has wisely abstained from authorizing the detention of vessels engaged in innocent commerce on the open seas; but here, whilst you are denying even the apprehension of hostilities, you authorize the capture of private property; that is to say, you do that in a time of peace, which it has been hitherto considered impolitic and unjust to do in the contemplation of war. This seizure of the vessels of Holland on the high seas, without a declaration of war—without the slightest previous warning—is a grievous injustice. And how is it defended? What are the authorities in vindication of such an act, which can be opposed to those authorities which I have cited for its condemnation? The learned civilian relied on the authority of Lord Stowell; to what does it amount? In deciding a case in the Court of Admiralty, that learned Judge declared that an embargo was a process frequently resorted to by nations, not immediately connected with hostilities. Who doubts this? Who doubts that there are cases in which embargo may be resorted to—cases of extreme and extraordinary emergency, in which, notwithstanding, there may be no danger of actual war? The question is not whether there are such cases; but whether this be one of them. I admit, as I am bound to admit, the decisive authority of Lord Stowell; but I deny that it sanctions this act of power. All that Lord Stowell declares is, that there may be cases of embargo not immediately connected with hostilities. Reprisal is one case. You seize the vessels or other property of the subject of a foreign power, in order to procure redress for previous injuries sustained from that power by your own subjects. The embargo, the seizure, may be resorted to, and yet there may be no risk even of eventual war. When our expedition to the Scheldt was in preparation, the government of this country imposed a temporary embargo on the vessels of other countries then at peace with us, because we wished to prevent the enemy from obtaining any intelligence respecting our intentions. Here was embargo, without fear of hostilities, with the parties whose vessels were placed under temporary restraint. The detention of vessels of a country at peace with us, may be justified by the law of nations in a case in which we required them, on a sudden emergency, to convey troops. Here would be embargo and forcible detention, justified by considerations of extreme necessity and public safety. Here are cases falling within the doctrine of Lord Stowell; and the arguments of the learned civilian amount to this—because there are some cases of embargo, not connected with hostilities, recognised by Lord Stowell, therefore Lord Stowell's authority may be pleaded in favour of this particular act of power. It may be said that Holland has acted unjustly, or unfairly, towards the new state of Belgium; but I deny, even if this be true, that we are justified by the law of nations in authorizing reprisals on Holland for injuries committed by her on a third party. I deny that you have a right, in order to redress the wrong of a third party, to lay an embargo on the ships of the power alleged to have committed the wrong, and still less on those of your own subjects. Vattel expressly condemns such a proceeding; and he refers to a case wherein injury had been sustained by the Knights of Malta from Holland, and wherein England granted reprisals against Holland; and contends that such reprisals were contrary to the law of nations. In respect to reprisals, and in respect to the right of espousing this quarrel of a third power, Vattel observes—“But to grant reprisals against a nation, in favour of foreigners, is to set himself up as judge between that nation and those foreigners, which no sovereign has a right to do. If it be objected that we may espouse the quarrel of another

state in a war which appears to us to be just, the case is different. In granting succours against a nation, we do not detain her property or her people that happen to be within our territories under the public faith; and, in declaring war against her, we suffer her to withdraw her subjects and her effects. There are cases in which reprisals would be greatly condemnable, even when a declaration of war would not be so. When the question which constitutes the ground of a dispute relates not to an act of violence, or an injury received, but to a contested right, it is a declaration of war that ought to follow an ineffectual attempt to allow justice by pacific measures, and not reprisals, which, in such a case, would only be real acts of hostility without a declaration of war, and would be contrary to public faith."

The learned civilian, however, contends, that we may interfere by force to redress the injuries of a third power, and triumphantly refers to a case in modern times, in which England directed reprisals for injuries sustained, not by England, but by Hanover. He says, that on the invasion of Hanover by the Prussian troops in 1806, we laid an embargo upon the Prussian vessels, and assigned the invasion of Hanover as the sole cause of our interference. If I do not destroy this Prussian precedent from the foundation—if I do not show that, so far from supporting the learned civilian's argument, it is conclusive in my favour—I will abandon the question altogether. I will show, that so far from the order in council, laying an embargo on Prussian vessels, having been issued in retortion, or by way of reprisals for the invasion of Hanover, it was on account of previous injuries inflicted by Prussia on British commerce. The order in council referred to by the learned civilian states, that—"Whereas his Majesty has received advice that the king of Prussia has taken possession of various parts of the Electorate of Hanover, and other portions of his Majesty's dominions; and whereas the king of Prussia has also notified, that all British ships shall be excluded from the ports of the Prussian dominions, and certain other ports in the north of Europe, and not suffered to enter and trade therewith, in violation of the just rights and interests of his Majesty's subjects, and contrary to the law and practice of nations in amity with each other; his Majesty, by the advice of his Privy Council, hereby orders, that an embargo be laid upon all vessels belonging to his Prussian Majesty at present in the ports of the United Kingdom."

Now it appears, from this order, that so far from the invasion of Hanover being assigned as the sole cause for the imposition of the embargo, there is another important reason alleged—namely, the injury inflicted upon British commerce; which, of course, was a sufficient ground to justify the proceeding. But this is not all. Soon after the issue of this order in council, his Majesty made a communication to parliament, to which I beg the attention of the House:—"While the violent and unjustifiable proceedings of Prussia were directed solely against the Electorate of Hanover, his Britannic Majesty was advised by his ministers 'to forbear all recourse to his British subjects' in support of his rights; and to content himself with 'remonstrating' by amicable negotiation against the injury he had sustained, and resting his claim for reparation on the moderation of his conduct, on the justice of his representation, and on the common interest which Prussia herself must ultimately feel, to resist a system destructive of all legitimate possession. But when, instead of receiving assurances conformable to this just expectation, his Majesty was informed that the determination had been taken of excluding, by force, the vessels and commodities of Great Britain from ports and countries under the lawful dominion or forcible control of Prussia, it was impossible for his Majesty longer to delay to act, without neglecting the first duty which he owed to his people. The dignity of his Crown, and the interests of his subjects, equally forbade his acquiescing in this open and unprovoked aggression."

And this is the case on which the learned civilian relies in order to disprove my argument that the wrongs of third powers ought not to be redressed by means of reprisal! So far from alleging the invasion of Hanover as the sole ground of hostile proceedings against Prussian vessels, his Majesty informed his parliament, in substance, if it was only the invasion of Hanover of which he had to complain, he would not have imposed restrictions on the commerce between England and Prussia, and that it was not until the ships of his own subjects had been refused admission to Prussian ports that he had thought it necessary to direct the embargo on Prussian

vessels. The learned civilian stated, that there were negotiations carrying on with Holland of great importance, which might have terminated in general war, unless Holland made what he considers just concessions. Now, I positively deny that you have a right to wield this prerogative of the Crown as an instrument of negotiation. I deny that the king is empowered to suspend the law, and to fetter the commerce of his subjects, on the ground that, by such an exercise of authority, he may possibly compel a foreign power with whom he is negotiating, into submission to his views. There is an end of all security to weaker powers from the maxims of public law, if they may be overruled, at the discretion of the stronger, on such vague allegations of state necessity and public policy. Ministers may think the king of Holland unreasonable and obstinate in refusing to deliver up the possession of forts assigned to Belgium; but I deny that therefore they have a right to place an embargo on the ships of that nation. It is a matter for negotiation, which may perhaps end in war; but, in the present state of things, ministers have no right, because the detention of vessels is a less forcible act than war, to resort to such a proceeding. There are recognised states of peace and war; the actual commencement of hostilities requires a declaration of war, but such an intermediate state as that in which we now are with a nation in amity with us is a thing unknown before. This country ought to be the last to establish a precedent of this nature. I will not enter into the merits of the question at issue between Holland and Belgium—I will not say a word with respect to the course of policy which government has pursued, because this is not a fit occasion for doing so. For the sake of argument I will admit all that ministers have said, as to the importance of compelling Holland to comply with the wishes of the allied powers; but I do not the less deny, that there is a right inherent in the Crown to impose restrictions on the commerce of this country, and on that of an ally, for the purpose of extorting the acquiescence of Holland. It is too much that, on a mere allegation of state necessity, the trade of the country should have been suspended for thirteen weeks by an Order in Council, signed “Charles Greville.” What grievous calamities must be caused by this Order in Council! What opportunities does it furnish for improper practices! Let it not be supposed that, in referring to the danger of a precedent, I am inferring that the evil has really occurred. That is not the case, for I have heard of no instance of abuse. It is evident, however, that a state of restricted trade, occasioned by Orders in Council, affords opportunities for conferring undue favour upon particular persons. The law of the land gives to all persons the privilege of trading with other nations; but when that law is suspended, ministers claim, and perhaps it is necessary that they should possess, the right of remitting the order in certain cases. But, whether abuse occurs or not, as regards our own merchants, what a terrible wrong must be sustained by foreign merchants whose vessels are seized? Civilisation and refinement appear to have made little progress in regulating our intercourse with a foreign power. We revert for our precedents to ages of barbarism, when injuries and measures of retaliation were directed—not against the state—but against the innocent subjects of that state. At this period, when we discountenance plunder by armies on land, are we, in England, to encourage it by sea upon defenceless traders? I say that these acts and decrees are the acts and decrees of barbarism, and not of civilisation. You seize upon vessels proceeding from a Dutch colony to Holland, the captains of which have never heard of your dispute with their country, and received no notice whatever of the hazard which they run! You do not authorize the detention of vessels of war. No; you reverse the practice which this country has followed in former instances, by making war, not upon armed vessels, but defenceless merchant ships; and you not only take possession of those in our own ports, but seize upon others on the open sea, in spite of Hale’s exulting declaration—*Que la mer soit ouverte*. If the cargo on board a ship thus seized be of a perishable nature, the government kindly permits it to be landed; that is to say, after a vessel laden with sugar has shipped a quantity of water during a long voyage, and the sugar is daily melting away, permission is given to have it placed in a British warehouse. The mere process of unloading and reloading is a positive injury in such a case. An instance of this kind has occurred within the last month, and I believe that the captain of the vessel, having no instructions to regulate his conduct, refused to land his cargo. The sugar is not permitted to be imported for the

purposes of refining, but must be lodged in warehouses, and shipped again when the embargo shall cease. To make the matter worse, however, the loss will mainly fall upon the British insurers; for I apprehend that most of the vessels are insured. I do not know whether the insurers are by law bound to make good losses occasioned in this manner, but I am informed that such is the high feeling of honour on the part of British insurers, that in a case of this kind they will voluntarily bear the loss.

The subject is one deeply deserving the consideration of the House, and I wish the attention of gentlemen to be directed to it, for the purposes of deciding whether or not it is just and fitting to persevere in the maintenance of such orders in council. It may be said, that the order has been issued to promote some great object of state policy. As far as I can judge, I doubt the wisdom of the policy which has dictated the issuing of the order in council; for I will now put out of consideration the legal and constitutional question. Taking the case, however, on the showing of ministers themselves—admitting, for the sake of argument, that the public interest requires the immediate arrangement of the dispute between Holland and Belgium—is there not reason to suppose, that the revocation of the order will facilitate the settlement of the extremely difficult and complicated question at present pending? A conference took place between Holland and Belgium and the Five Powers of Europe. The five powers agreed as to the principle of a treaty which has been lately enforced: but three of those powers refused to take part in any attempt to compel Holland by force to comply with the stipulations of that treaty. The main object of the convention between England and France was the recovery of Antwerp, and the forts depending upon it, from the dominion of Holland. That object the king's speech states to have been attained. Antwerp and the forts immediately dependent upon it have been recovered; the French army has marched back into France; why then should the English order in council be retained? Is there any thing inconsistent with the honour of England in revoking it? What is the consequence of that order? Since it was issued, the Scheldt has been closed against the vessels of England and France. If the order should be revoked, would not the Scheldt be opened? Is not the order in council at present the chief impediment to the renewal of negotiations? The three powers refused to take part in our forcible measures: a portion of those forcible measures continues in the existence of the order in council. Can the three powers again take part in the negotiations until it be withdrawn? Or will Holland consent to negotiate with France and England, excluding the three powers from the negotiation? Will she treat with the powers who have resorted to force, and reject the aid of other powers which were adverse to the employment of force? Is not, in truth, this order in council the great obstacle to the renewal of negotiation?

It may be, and probably is, that the real motive for this order in council is the hope that the severities which it authorizes will indispose the people of Holland towards their own government, and thus coerce that government into submission to our will. Beware how you rely on the effect of unjust severity! There are pressures which combine, instead of dissipating, the elements of national strength. There are trials to which nations are exposed, in which the public spirit is refined and purified from the dregs of baser passions—in which there arises that holy flame of resistance to wrong, which redresses the inequalities of physical force, and confounds the calculations that rely on the influence of ordinary motives. Fear is a powerful motive; self-interest is a powerful motive; in ordinary times much will be endured from the love of repose, and from the habits which commercial industry engenders; but there have been periods in the history of many nations—there have been periods in the history of our own—above all, there have been periods in the history of that Holland which is now the object of our displeasure, when fear and interest, and the love of repose, and the habits of peaceful industry, have been as dust in the balance compared with the sense of indignity and wrong, and the spirit of heroic fortitude that is roused by unjust aggression. From a strong impression that the measures we are now pursuing will provoke resistance rather than ensure submission—from serious doubts whether they are in conformity with our own municipal law, and with the law of nations—whether they are not equally opposed to public policy as to public justice—I earnestly press these considerations upon the attention of government and of parliament.

Dr. Lushington, the Attorney-general, and Viscount Palmerston then addressed the House, the latter stating that there was no intention whatever of interfering with the affairs of Holland, much less with any of her interests. The object of this country was to make Belgium independent, and to be independent she must be prosperous, and by that the peace and prosperity of Holland would be best consulted.

The subject then dropped.

NEW BUSINESS OF THE HOUSE.

FEBRUARY 20, 1833.

The Order of the Day for resuming the adjourned debate on this subject having been read,—

Lord Althorp then read the motion as originally proposed. He anticipated much convenience would result from the new arrangement; but if it should prove otherwise, as it was only an experiment, the House might review their decision.

SIR ROBERT PEELE wished the noble lord would state, for the information of the House, what he meant to do with respect to election petitions? As the law of election now stood, the first proceeding of the House on the days fixed for balloting for election committees was that ballot itself. If the same rule was to be applicable under the proposed new arrangement, election committees must be chosen at one o'clock, and if 100 members were not present then, the House must adjourn, and that day would be lost for all the purposes of public business. He put it to the noble lord whether he could expect the attendance of 100 members at twelve o'clock? But if sufficient members did assemble by one o'clock to go to a ballot, the whole of the time would be consumed between one and three o'clock, and no opportunity would be afforded of presenting petitions.

Lord Althorp did not mean the plan to apply to days on which election committees were to be selected. Those days must necessarily be exceptions.

Sir Robert Peel said, the abandonment of the plan on ballot-days made a material alteration in the proposition of the noble lord, and certainly avoided one great difficulty that must have arisen from its adoption. The noble lord proposed that if a House were not made at one o'clock the Speaker was to adjourn until five; but would not that be inconvenient, not only to the Speaker, but to hon. members themselves? Again, the noble lord said, that it would often occur that a House was not made at twelve o'clock, and that, therefore, it would be expedient that the Speaker should wait till one o'clock. If this were to be the case, would it not be better to appoint the latter hour as the period of meeting? By waiting an hour just so much time would be thrown away. Again, the noble lord would please to recollect that if a member was present at prayers, he was entitled, by the courtesy of the House, to retain his place for the evening. This regulation was of considerable importance to those hon. members who intended to take part in the debate of the evening; but, by the new regulation of the noble lord, to entitle them to their places, it would be necessary that they should be here at twelve or one o'clock to prayers. The noble lord said, that there were several matters of arrangement for after-consideration: why not, then, postpone this alteration until he had considered them? The convenience of all the members should be consulted in a matter of this kind, which was not the case in the proposition of the noble lord. He should like also to know what was to be done with a debate that was not concluded at the prescribed hour? [Lord Althorp: to cease, and be adjourned to the next day.] He doubted the policy of that arrangement—and whether it would be found to work at all. They were now about to commence the ballots for election committees; and there were no less than forty election petitions to be disposed of. At least two days in each week must be reserved for the ballots; and on those days, according to the noble lord, his plan was not applicable. It would be infinitely better then, in his opinion, to postpone this arrangement until after the election petitions were disposed of, than to press it at present. Again the interval between three and five would be found extremely inconvenient. He did not suppose that there would be a numerous

attendance of members at the presentation of petitions; but if there should be, the House was to separate at three; and it would be hardly possible to get members together at five in sufficient number to commence public business. The interval was either too long or too short; it might do very well for those who resided in the vicinity of the House, but it would never do for those who lived at a distance. It would hold out an inducement to go home, and it would be impossible to get members back to the House in a couple of hours. The best plan would be, that the House should meet earlier, and continue sitting until the business of the night had been got through. He preferred the plan of the committee of last year to this plan; although he knew that there were objections to that. The Chairman of Ways and Means, it must be recollected, presided when some of the most important business of the country was transacted. The House, then, might meet at three o'clock under his presidency; and by this arrangement great relief would be afforded to the Speaker. He was sure that he need not say, that the experience which the Chairman of Ways and Means had of the rules of the House, would enable him to preserve order, and see that the business was proceeded with, with regularity. It was on these grounds that he should prefer the suggestions of the committee of last year, to the plan proposed by the noble lord.

The resolutions were ultimately agreed to.

MERCHANT TAILORS' COMPANY.

FEBRUARY 21, 1833.

Mr. Attwood presented a Petition from the Warden and Members of the Company of Merchant Tailors, praying the House to rescind the petition of Hugh R. Franks, presented the other evening, as the petition contained gross libels on the said company; and that the House would devise some means of preventing the abuse of the right of petitioning, and thereby restrain an individual from injuring the character of honourable and respectable persons. He was fully prepared to show that the conduct of the Corporation of Merchant Tailors had been such, at all times, as to challenge the strictest investigation.

On the Motion for bringing up the Petition,—

SIR ROBERT PEEL (in reply to Lord Althorp) said, that even according to the noble lord's own showing, the clear and regular course to be pursued would be for the House to rescind the order of reference which had been made. By the noble lord's own admission, it was manifest that the petition had been referred to an improper tribunal, and placed beyond the control of that House. But would it be more than an act of justice to all parties to have it brought back and placed on their table, so that they might dispose of it as they should think fit? Many motions for rescinding similar orders had been made. Those who thought that the committee had not power to deal with the subject, that it would be inexpedient to give the committee such a power, or that, even if the committee possessed it, that it could not be beneficially exercised, ought surely to agree on the propriety of rescinding the order. It was not enough to say, that the committee could not take cognisance of the matter; but the regular and proper course to be pursued would be, he submitted, for the House to retrace the course they had taken. He could appeal to the Speaker whether this had not been done in the case of a petition on the subject of scot-and-lot voters, which had been referred to a wrong committee during the last session, but which, on the suggestion of the Speaker, had subsequently been withdrawn. Notwithstanding the willingness of his hon. friend to submit the private affairs of the company to scrutiny, he hoped that the House would not sanction any such course; for they must all feel that the House had no more power to open such transactions, than they would have to enter upon the investigation of the circumstances of any other trading establishment in the kingdom. It was true that an appeal might be made to the Court of King's Bench for the correction of any abuse that might exist in the administration of the funds of public companies of this description. That tribunal was armed with ample authority to enter upon the examination of such questions; and, if any improper or illegal perversion of the funds of the Merchant Tailors' Company had taken place, the

remedy was in the hands of the judges of that court, and did not rest with that House. He was not prepared to say whether or not the charity commissioners had the power to entertain such matters; but if they had not, he for one would have no objection to such a power being extended to them, and that the petition alluded to should be referred to them; wherefore he hoped the House would see the propriety of rescinding the order in question.

The petition was ordered to lie on the table.

PRIVATE LIGHTHOUSES.

FEBRUARY 21, 1833.

Mr. Hume moved for returns of the charges to which the country was subjected for the maintenance and expense of lighthouses on the coast. The hon. gentleman, in the course of his speech, complained that the king's prerogative was grossly abused in renewing leases of lighthouses to private individuals and for their own private benefit.

Mr. Robinson seconded the motion.

SIR ROBERT PEEL did not rise to contest the general principle that had been laid down upon the subject; for his own opinion was, that whatever might be the vested interests of individuals in these lighthouses, it would be better to make a compensation to such persons, and to put the whole of the lights under some public department. He rose, however, for the purpose of replying to the mis-statement that had been made by the hon. member for Worcester (Mr. Robinson), and he most positively denied that there was the slightest ground for the imputation which the hon. member had cast upon the administration of which he (Sir R. Peel) had the honour of forming a part. He most positively contradicted the assertion, that there had been any desire on the part of the late administration to convert these lighthouses into a means of jobbing, or to draw from them any advantages whatever. The Duke of Wellington's administration certainly did renew the leases of two lighthouses in 1828 which had fallen in during that year, and a right to a renewal of which was claimed by two individuals who possessed in them a vested interest. To be sure, if the lease had been renewed to persons who supported the administration in parliament, or to persons whose support might be calculated upon in consequence of such renewals, then he acknowledged that there might appear a *prima facie* suspicion of jobbing. But both of the leases had been renewed to a nobleman and to a member of parliament, both of whom had always been in habits of the most active opposition to ministers, and whose characters placed them above all suspicion that any such favours could influence their public conduct. What, then, would become of the suspicion that the renewals had been granted from motives of political jobbing? The two individuals to whom he had alluded were Lord Braybrooke, and Mr. Coke of Norfolk. What object, what motive, but a sense of justice could have influenced ministers to grant the renewals to two such individuals? Mr. Coke's memorial had stated that the Dungeness lighthouse, the lease of which he wished to be renewed, had originally been built by his relative, the Earl of Thanet, at his own expense and upon his own ground. If, then, the property was his, and it was built upon his own estate, on what principle could the government take the lighthouse without making an adequate compensation to the individual? The leases in this case had been renewed for 150 years; and, whether it was politic or not to renew them, he hoped he had said enough to show that no party interest whatever had in the least influenced the transaction.

After a brief discussion the returns were ordered.

PUBLICATION OF THE VOTES OF MEMBERS.

FEBRUARY 21, 1833.

Mr. Harvey concluded a brief speech by moving, "That Mr. Speaker be requested to make the necessary arrangement for the taking of the divisions, and for the inser-

tion of them in the votes, giving the name of each member in the majority and minority."

SIR ROBERT PEEL could not conceive what object could be gained by the motion. At present, on every interesting question, the names of the majorities and minorities were always given. On all the great questions that had been discussed in parliament correct lists had been given—on the Catholic question—on the various parts of the Reform Bill, accurate lists of the votes had been published. He could not suppose that any objection would be made on account of the breach of privilege; for, on all great questions, the names were known. If they were taken by authority, would they be more accurate? He believed not. No man could be compelled to give in his name. The hon. member's plan would be impracticable; and, if practicable, it would not necessarily ensure accuracy. If the motion were successful, it would give rise to many petty motions. Members would often press motions to a division which they would not otherwise trouble themselves about, and it would lead to a great waste of time. It would be, in fact, a public nuisance. [Mr. Hume: There would be no inconvenience]. What! no inconvenience? Why, suppose a man voted black was white, would it be no inconvenience that his vote was so recorded without any explanation? Suppose the case of a Russian-Dutch loan, which an hon. member thought a case of profligate expenditure, and yet voted for it, would not that member's vote be erroneously judged of, if the vote only were known without any explanation? The hon. member might explain that he had voted so to save the ministers—to protect the Reform Bill—or for some other equally good reason; but those who read only the votes would not know that, and the hon. member would be condemned. The present mode of managing the votes was better than the one proposed. He must add, that he thought that members were responsible to their constituents for their votes; but God forbid that any constituency should judge any member from an individual vote. They must take all his votes, and his whole conduct into consideration. The hon. gentleman had challenged him to show any inconvenience from this plan, and he had answered the challenge, by showing that a gentleman who voted black was white was liable to an erroneous construction of his conduct.

Mr. Hume was not ashamed of his vote on the Russian-Dutch loan—he would vote so again—and he had published the lists of the majority and minority on that occasion.

On a division, the motion was negatived by 142 to 94; majority 48.

SUPPRESSION OF DISTURBANCES (IRELAND).

MARCH 1, 1833.

Mr. Henry Lytton Bulwer presented a petition from Coventry, against the proposed coercive measures for Ireland, which, the petitioners considered, were intended to perpetuate the exaction of tithes.

The petition having been ordered to lie on the table, the hon. member moved the Order of the day for resuming the adjourned debate.

Sir George Grey, Mr. Harvey, Lord John Russell, Mr. Henry Grattan, and the Attorney-general, having addressed the House,—

SIR ROBERT PEEL rose, and spoke as follows :—Having a deep sense of the value of the time of this House, and seeing how much of it is wasted in useless discussion, I shall, without any attempt at an elaborate preface, proceed at once, briefly and in the plainest language, to state the course I mean to pursue with respect to this painful measure; and the grounds upon which my resolution has been formed. I came down to the House on the first night of the debate, with a strong impression, founded on the general notoriety of facts which have not been denied, that some measure in aid of the ordinary operation of the law, was absolutely necessary for the protection of life and property, and the preservation of order in Ireland. I have since heard from two ministers of the Crown a detail of atrocities, the recital of which makes the blood run cold. Is this detail correct? Have these murders—these burnings—these various atrocious crimes—been committed? We may differ as to the conclusion to be drawn from the premises; we may differ as to the remedy

to be applied; but do we agree as to the state of facts, and as to the existence and character of this evil? Up to this hour I have heard no denial of the truth of the statements that have been made. There appears on all sides an admission that the condition of society in many parts of Ireland is most alarming—that the worst crimes have been committed with impunity. Some attribute this state of things to the remissness of the government; others think the spirit of disturbance might still be suppressed by the vigorous execution of existing laws; but no one has impeached the accuracy of those statements which have been made to the House on official authority. To that authority I can, of course, add nothing. If the details of crime already given be thought imperfect, I cannot supply the deficiency; but I find on the records of this House some recent testimonies as to the moral and social condition of certain parts of Ireland, which completely confirm my own previous impressions, and warrant the inferences which have been probably drawn from the recital of individual acts of outrage. As I before observed, the first point to be ascertained is, whether we are agreed as to facts. As the foundation of my argument, and in aid of the uncontradicted evidence already offered to us, I beg to quote the testimonies I have before referred to; they will be found in the appendix to a report on the state of the Queen's County, which was presented at the close of last session.

The first is contained in a charge delivered by a Judge of the land—a Judge who has had much experience in the administration of criminal law, who has had personal opportunities, in the exercise of his judicial functions, of observing the state and the progress of crime. This Judge has always professed opinions truly liberal; has always been the friend of that liberty which is founded on order; has from his earliest years been friendly to the Roman Catholic claims; and by his great abilities and unsullied integrity has commanded the respect of all parties in Ireland. The Judge to whom I am alluding is Baron Sir William Smith. It being his duty to preside at the Lent assizes at Maryborough, in the Queen's County, in the year 1832, he thus commences his charge to the grand jury:—"Gentlemen of the grand jury—I find here a calendar consisting of 150 cases. Of these, twelve are charges of murder; six of conspiracy to murder; nine of manslaughter; eleven of rape; five of child murder and its appurtenances; eleven of abduction; forty-one of house-breaking, assaulting dwellings, and robbery of arms; nine of shooting at persons; two of administering unlawful oaths; and twenty-two of violent assaults. A mere selection from this general calendar, of cases which the Attorney-general has found it necessary to prosecute consists, as to quantity of crime, of more than fifty in number, and as to quality, includes nine murders or felonious homicides; five cases of robbery, and one of demanding arms: five of burglary; one of conspiracy to murder, and three of shooting at with a murderous intent; one case of arson, and four, or rather six, of assaulting habitations; five of compulsory notices, threats, and menaces; and two of administering an unlawful oath; eleven cases of waylaying and malicious assault; two of appearing in arms; four of abduction; one of child-murder, and one of child-desertion."

These were the atrocities to be tried at one assizes.

The learned Judge proceeds:—"The state of this county, however, seems to furnish an example of what I have more than once had occasion to observe; how easily disorder can shift its purposes and course, and, after threatening one line of outrage, proceed upon another. A fact which, by the way, we ought constantly to bear in mind; and be cautious how, by encouraging the discontented feelings of the populace, we inadvertently collect and raise, and train and exercise, a force concerning which we must be uncertain what direction it may take. Not many months ago, when I last was in this county, and presided in this court, I found a system gaining head, of tumultuary array against rights long undisputed, distinctly recognised, and firmly established by the law. It did not seem to be too late to stem the gathering torrent. This, accordingly, within my limited province, I attempted; and, for a time, the attempt did not appear to be unsuccessful. But my endeavours"—I call your attention to this passage—"were counteracted by influence which did not fail to render them abortive. Of this powerful counteraction, what may be surmised to have been already the results? The lower class of society—a class deficient in the guiding lights of knowledge and instruction, and

labouring, it must be admitted, under sufferings and privations, and on these accounts the more liable to be excited and misled—this portion, I say, of our community, stimulated into turbulent and lawless agitation (it may be unawares, and without a culpable, nay, even with a laudable intent); your county become restless, discontented, and disturbed; its tranquillity rendered, I can only hope not permanently, insecure; your prison crowded to excess with persons charged with insurrectionary transgressions of the law; and the Crown compelled to wield its powers of prosecution, if not with rigour, with an unusual degree of energy and force. If the popular enterprise and incursion proved a failure, we should have gained by it nothing better than commotion and offence; followed by the punishment of, too often, not the misleaders, but the misled. If, on the contrary, their resistance of the law accomplished an alteration of its enactments, might they not, by their victory over one class of rights, be encouraged to march forward to the storming of a second, and not discover, till too late, that in spoiling the rights of others, they had been inadvertently plundering and demolishing their own?"

Take the testimony of another gentleman also above all exception—a gentleman who would not have come forward, considering the situation in which he stood, unless he had been compelled by an urgent sense of public duty. I refer to a gentleman occupying the situation of a Roman Catholic priest, with no undue influence upon his mind to lead him to exaggerate the unfortunate condition of the country. In a letter addressed to Lord de Vesci, by the Rev. Nicholas O'Connor, parish priest of Maryborough, and quoted in Mr. O'Connor's evidence before the committee, the following passage occurs:—"In vain have we waited in hopes of the returning good sense of the deluded; and have found, on the contrary, the well-disposed compelled, by intimidation, either to join the illegal societies, or murdered, or terrified out of the country." This was the testimony of a Roman Catholic priest: it occupied only three lines, it is true; but could the House conceive three lines more pregnant with horror? Such was the state of the country—such the powerless condition of the law, that, to the peaceable and well-disposed, the choice was offered between three courses of action—either to join the illegal societies, or forfeit their lives, or abandon their country. I shall only refer to one other testimony in reference to this subject, because the multiplication of undisputed and indisputable statements, all bearing on the one point, is of no advantage. The last testimony, then, to which I shall direct the attention of the House, as completing the picture, is that of Dr. Doyle, Roman Catholic bishop of the diocese of Kildare and Leighlin. It is contained in a letter addressed by Dr. Doyle to the Catholic clergy and people of his diocese, and is as follows:—"For several months past we have witnessed, with the deepest affliction of spirit, the progress of illegal combinations, under the barbarous designations of Whitefeet and Blackfeet, within certain portions of these dioceses. We have laboured—by letter and by word, by private admonition and by public reproof, proceeding from ourselves and from our clergy—to arrest and to suppress this iniquity; but the tares which the enemy of man has in the night-time sown in the field of the Church, have grown up in despite of our watchfulness. Murders, blasphemies, perjuries, rash swearing, robberies, assaults on persons and property, the usurpation of the powers of the State,"—mark that; "the usurpation of the powers of the State,"—"and of the rights of the peaceable and well-disposed, are multiplied and every day perpetrated, at the instigation of the devil, by the wicked and deluded men engaged in those confederacies."

Such is the outline of the state of crime in one considerable district of Ireland, traced by the faithful pencils of a Roman Catholic priest, a Roman Catholic bishop, and a Judge of the land. Will any one assert that the picture is overcharged?—If it be not—if there be no exaggeration, no over-colouring of the melancholy facts—will it be maintained that ordinary remedies will suffice for the cure of this admitted and alarming evil? If the statement of facts be not denied, and if the existing law be not sufficient, then I feel warranted in giving my assent to the first reading of this bill—that is, in fact, to the introduction of the measure, with a view to its future consideration in detail. Into that detail I will not now enter; not that I would shrink from doing so, if this were the fit occasion; but let me assure those who are for the first time members of this House, that the established rules and orders of our pro-

ceeding, which allot different stages of the same bill for different discussions—one for the principle, another for the details—are well calculated, if duly observed, to promote the fair collision of opinion, and to elicit the truth. All that I shall say at present, with respect to the details of the bill, is briefly this, that, although I will not now pledge myself to their adoption without modification; yet I will not consent to fritter away the general efficacy of the measure, by encumbering the powers which it confers by various restrictions and qualifications.

I will now proceed to review those arguments brought forward in this debate against the principle of the measure, which appear—at least if one may judge from their frequent repetition—to be mainly relied upon by its opponents. It is said, repeatedly, that this measure of coercion is no cure for the deep-seated evils under which Ireland is suffering. In the truth of that observation I cordially concur. There is not a man present who views the condition of society in Ireland with more anxiety and apprehension than myself; or who feels more strongly than I do, the utter worthlessness, as a remedy, of this or any other measure of mere coercion. To form a true judgment of the state of Ireland, we must raise our views above the comparatively petty subjects of our party conflicts—above the questions, important as they are, of Corporations and Grand Jury laws, and tithe-commutation bills. We must include within our view, a whole population labouring under the double evil of a rapid progressive increase in its numbers, and of the contraction of a demand for its labour, and therefore its increasing destitution. We shall find these evils, that seem, at first view, incompatible with each other—each acting and re-acting on the other, and contributing reciprocally to their own aggravation: the increase of population lowering each individual in the scale of comfort and enjoyment; and the diminished scale of comfort, by removing the checks on early and improvident marriages, and by causing a recklessness about the future, having a tendency to increase the population. Then comes the failure of the potato crop, the want of food, and the ravages of disease, opposing sudden and calamitous restraints on the increase of population, which might be much more effectually and more gradually controlled, were it possible to give a taste for increased comfort; and, at the same time, to supply by labour the means of commanding it. For these evils this measure is no relief. [*Hear, hear, from some members.*] Who said it was?—True, this measure is no remedy; but a state of anarchy precludes one. Coercion is not a cure; but continued insurrection is positive death.

I am aware that, even with regard to the professed remedies for the permanent evils of Ireland, I differ from a large majority in this House. I listen, night after night, to the attempts that are made to charge the clergy of Ireland with exaction and rapacity, and to represent tithe as the crying grievance of Ireland. No, no; these are not the sources of the evils that afflict the country; and though an extinction were effected of the legal rights of the clergy, the evils would continue—ay, and would be aggravated, if the rights of which the clergy should be deprived were transferred to the landlords. The first step towards remedying the evils, and removing the disorders of Ireland, will be the knowledge and the statement of the truth. Do not let us offer up unoffending men, who are already despoiled of their rights of property, as sacrifices for the exactions of others. Such a sacrifice would not suffice. You cannot stop at the spoliation of the Church. You will be the sufferers by your own injustice. Remember the remark of Lord Bolingbroke on the trial of Sacheverell: it is true of your attacks on the Irish clergy, and of their result:—“They made a fire to roast a parson, but they made it so hot that they burned themselves.” I ask, whether gentlemen have read the evidence on the subject of tithes? I refer them to the testimony of Mr. John Walsh, a Roman Catholic magistrate—for I prefer Roman Catholic evidence in such a case—for an exculpation of the clergy. Mr. Walsh is conversant with the condition of the lower classes of his countrymen, and his testimony shows that the miserable state of that vast class of farmers who occupied farms of less than fifteen acres, was attributable, not to the tithe of the clergy, but to the rent of the landlords. Let those gentlemen who talk of the exactions of the clergy, and think that the evils that afflict Ireland flow solely from tithes, and, consequently, that the “healing” measure for their abolition would accomplish all that was necessary to be done in that country—let them look at the evidence of Mr. Walsh. He states that the majority of persons under the class of

farmers in the county of Kilkenny are people holding from ten to fifteen acres of land; that they are generally in the greatest state of destitution from about the month of April to the month of September. Farmers in that class have no means of meeting the demands made upon them but by their crop; and from the time the sale of the crop takes place, till the next crop, they are destitute of every means of obtaining money. Potatoes generally, without either milk or meat, constitute their diet; and they consider themselves very lucky if they have enough of them. I asked Mr. Walsh how many rents a solvent tenant in Ireland ought to make, in order to prosper on his farm. His answer was—"Such a calculation never came into the head of the Irish tenant. All he looks to is, to provide his family with potatoes, and pay his rent to his landlord." I asked him whether the people consider themselves well off, if they made two rents out of their crop. Mr. Walsh replied, "That he considered a farmer, by converting land to the best purpose, might make double the rent; but he did not think that the small farmer, in general, made any thing like that. He meant to represent this as the general state of the farmers of ten or fifteen acres, who have a greater proportion of the whole land than the half of it." The examination of Mr. Walsh proceeded as follows:—"You were asked for a statement of what you conceived to be the outgoings upon a farm of ten acres, and the profit that would accrue to the tenant: have you prepared a statement in explanation of that?" Answer: "I have. I have put the most general mode in which an Irish farmer of that description makes his rent. I have first debited with his year's rent, £15; then ten barrels of seed potatoes at 4s. for one acre, planted for his own use, another acre being generally given for manure, £2; two barrels of seed wheat, £2 10s.; four barrels of seed oats, £1 16s., at 9s. a barrel; by which he will have cropped two acres of wheat, two of oats, and two of potatoes; making six acres of tillage, and leaving the remaining four acres to support his cow and horse. I think I overstated the average produce of such land at six barrels of wheat per acre; I think five barrels would be nearer the average upon 30s. land. I have put that at £1 5s. a barrel, which for ten barrels would be £12 10s.; the oats, of which he may have sixteen barrels, I have rated at 9s., making £7 14s.; profit on feeding four pigs, £6; butter sold from one cow, generally in small quantities, £1 10s.; making in the entire, £27 14s. The seed and rent, as I have said, come to £21 6s. Then, where the composition is not in force, there is tithe on two acres of potatoes, £1 4s.; wheat, £1 4s.; oats, 16s.: the rent, tithe, and seed, therefore, come to £24 10s.; and deducting that from the receipts, which come to £27 14s., there is only £3 4s. left him for paying taxes and church-rate, repair of houses and forge-work—the labour being done by himself and family, for whose support he has one acre of potatoes and one cow's milk." I will next read an extract or two from the evidence of a clergyman named Dwyer. In answer to the question—"Are there a great number of intermediate landlords in Ireland?" Mr. O'Dwyer said, "Not in the part where I live; but I believe, in many parts—in the more improved parts—there are."—"Is it the case generally?"—"I believe it is wearing out a good deal: I know that in the county of Galway it has considerably decreased." "Do you know the situation of the landlord placed immediately over the tenant; is he generally a respectable man?" "Very often not: last year I found upon a piece of land, that might, when it was let, be fifty-six or fifty-eight acres, fifty-two families residing; it was broken so small as that; and the consequence of the minute subdivision of it was, that, being adjacent to a bog, the people had spread, and reclaimed some of the lands of the bog." Before they joined in condemnation of the clergy, let the House attend to the following extract from the same gentleman's evidence. It was the intention of the Tithe Composition Act to relieve the tenant from the tithe, and that the landlord should henceforth let his land tithe-free, and be the virtual payer of the tithe; that is, by giving credit for the tithe-owner's receipt for such tithe. Says Mr. O'Dwyer, "I have in my own instance known the tithe composition apportionment to be borrowed from me and from my clerk, by the agents of proprietors in the country, for the purpose of ascertaining what the exact amount of composition was with reference to their own estates, and then setting their lands. On many occasions, I believe, it has been the practice to embody in the rent that they charge upon the tenant the amount of the composition-rent, as apportioned or assessed upon the land; but still, nevertheless, that the liability for the payment remained upon

the tenants; and those tenants, many of them, have complained to me that when they offered their receipts for tithe-rent, they got no credit for it in the accounts of their landlords." "Would not the tenant have the power of enforcing such a claim against his landlord?"—"I am not aware that there is any especial provision in the Act that would enable him; and I am sufficiently well acquainted with the dispositions and the habits of the people to know, that it would not be a very feasible thing for them to do, to compel such credit to be given. The tenantry, in general, are too much dependent upon their landlords. Leases are generally not given complete leases; they more frequently hold by demise, or they hold by acceptance of proposal, which leaves them entirely at the mercy of the landlord to continue them in or not."

Now, I ask, is the statement of this clergyman true? Are there landlords in some parts of Ireland who have done this? Have they increased the rent of their tenants by the amount of tithe to which those tenants were subject, left the tenant responsible for the tithe to the clergyman, and then refused to give him credit for the amount paid, notwithstanding the production of the clergyman's receipt? If these things are not true, contradict them: but while they remain on our records uncontradicted, it is neither very generous nor very just, that, in this assemblage of landlords, where the clergy have no place, no means of personal defence, they should be held up as extortioners and destroyers of the poor. They have lost—many of them, at least—have lost their all, either through the dishonesty of others, or their own forbearance. In mercy let us spare their characters, unless we are sure that our accusations are just.

Other remedies are proposed—Poor-laws among the rest. If I have paused in giving my assent to their introduction into Ireland, it is not from insensibility to Irish suffering, but from the fear, where poverty is so wide-spread, and the demand for labour so disproportionate to the supply, that the principle of the Poor-laws once introduced, the whole revenue of the land will ultimately be absorbed by the claims for relief, and an agrarian law of the worst kind practically established. Suggestions have been offered of a strict limitation of the principle of Poor-laws; of confining relief exclusively to cases of disease, and decrepitude, and total incapacity for labour. If this limitation can be applied, and rigidly enforced, many of the objections to the system of Poor-laws will, no doubt, be abated. But looking, on the one hand, to the extent and complication of poverty in Ireland; on the other, to the extreme difficulty of confining within definite limits any sound principle of relief, and of checking its abuse—I have sometimes feared that, in reference to Poor-laws for Ireland, we are almost arrived at that melancholy state described by the Roman historian, "*in quo nec vitia nostra nec remedia pati possumus.*"

There has been much vague declamation about healing measures, and large concessions, the nature of which has not been specified, and of which, therefore, no one can judge. But this I will say, that, however you may talk of healing measures, and notwithstanding you may conciliate powerful parties by concessions, parliament will gain nothing by giving way to popular clamour, or yielding one single point beyond that which their sense of justice may dictate. If ministers should either consent to the confiscation of any species of property, or should establish principles leading to future confiscation, they may be cheered in this House by the voices of many around them—but not only will they fail to procure additional security for life, and peace, and property; but, so far from satisfying the deluded people of Ireland, they will only whet their appetites for further rapine. I shall vote for this measure; but I accept it as no compromise on any other subject. I vote for it on its own principle, and will consider whatever other measures may be presented on their principles. If ever there was a country in which it was essential jealousy to uphold the rights and properties of all classes—to teach all men, rich and poor, that those rights must and shall be respected—that clamour and combination shall not prevail; it is the country which is the unhappy subject of this debate.

I shall proceed in my review of the main objections to this bill—sweeping aside, of course, all the rubbish with which gentlemen have filled up the interstices of their arguments. Of such rubbish the following appeal was a fair specimen:—"Was this measure the proof which ministers gave of their gratitude to Ireland?"—"Was this the gratitude of the legislature for the assistance received from Ireland on the Reform Bill?" As to this latter appeal, it could not be supposed to produce much effect

upon those who had opposed Reform. Still, I admit that I should be quite as base as those charged with ingratitude, if I consented to a law like this, if it be not absolutely necessary for the tranquillization of Ireland. But this is no question of gratitude or ingratitude. The lives and properties of the king's peaceable subjects are not to be complimented away. The question is, does the state of Ireland require such a measure? If it does, what room is there to talk of gratitude? Parliament is to determine whether bands of armed ruffians are to be permitted to break open houses by night, to plunder arms, to injure property, to destroy life. Why do you call these things privileges? Is this the happiness and the liberty of which it will be ingratitude to deprive you? It has been said, that this measure amounts to a suspension of the British constitution. I admit, that it is a measure of severity, of intolerable severity, unless there be a paramount necessity for it: I admit that; but I deny that it is a suspension of the British constitution. Oh, no; that has been long suspended. I see indeed a ghastly form, which takes the semblance and usurps the name of the British constitution; but it is a phantom without life. You mistake the British constitution. It is not a mere heap of cumbrous formalities, that serve no other purpose but to give impunity to those who are accused of crime. The British constitution is meant to give equal protection, and ensure to all equal liberty. It presupposes the existence of some executory principle to work it—of instruments imbued with the generous spirit in which itself was framed. It presupposes a love of order, a respect for property, a reverence for the obligation of an oath. The British constitution never recognised the vile doctrine of passive resistance. It may have no punishment for it. It may have been too generous to foresee a wide-spread combination among rich and poor, to defeat the law, and to rob others of their property. So long as this robbery is committed with impunity—so long as innocent men are fleeing from their homes to seek protection from murder—do what you will, but do not talk of the British constitution! Spare us the stale quotations from Lord Chatham—spare us the empty boast, “that an Englishman's house is his castle!” What! Was the Rev. Mr. Houston's house his castle? Was Mr. Marum's house his castle? Will you see men savagely murdered in the broad day by assassins, and then mock their widows and their children with your laboured periods about the British constitution and an Englishman's castle? You may not be able to punish guilt; you may not be able to prevent murder; but do not let these things be perpetrated under the shield and cover of the British constitution. Send it not on a forlorn hope, on which disgraceful failure is inevitable. Impose not upon it the condition of Egyptian bondage; and exact the work without giving it the materials. This is my answer to your objection, that the bill will suspend the British constitution.

But it has been asked repeatedly, would England tolerate this law? I ask, would England tolerate the state of things which now exists in Ireland? And this state of things existed before this law was brought in, and therefore my question ought to have precedence. Would England bear to live under the domination of hungry and illiterate legislators, with no more mercy than those in Ireland? I tell you that England, rather than submit to such a state of things, would rouse those energies which existed before laws, and are independent of laws, and would put down the base and vulgar tyranny. If these failed, and if to the suppression of that tyranny such a law as this was indispensable, England would tolerate it—ay, and would demand it. She would not talk of the ingratitude of a legislature which rescued life and property from midnight attacks—but she would rebuke the apathy and cowardice of one which refused to give them protection. The measure had two objects in view; and one of the main objections to it was, that it contemplated both those objects. The first object for which it provided, by enactments which extended to the whole of Ireland, was to prevent political agitation; the other object was, to prevent those insurrectionary proceedings which have been called in this debate agrarian disturbances. The objection was, that political agitation was unconnected with the insurrectionary proceedings, and that it was unnecessary and unjust that there should be precautions taken against political agitation. I will make no personal applications; but this I will say, that I will not vote for a law which should arrest the ignorant and deluded offenders, unless it laid at the same time its interdict upon the system which encouraged and incited them. I am now touching on the most

important part of the measure. It would be unjust to limit the law to a number of wretched Whitefeet, whilst it made no attempt to prevent the proximate cause of insurrection. I can see no justice in an act which should punish the deluded conspirators, if it did not take some precautions against the system of political agitation. There are great fallacies on this part of the subject. The argument was this—that there were two matters, political agitation and insurrectionary violence, but that they were altogether unconnected; that the system of political agitation was not connected with the insurrections. He should try to draw the line between the truth and the mistake, and expose the fallacy. The object of political agitation was to work upon the mass of the people—to create a mighty power of opinion and physical force combined, which should be subject to its control, and obedient to its will. It was no easy matter to keep this fiery mass at the proper temperature, and at the same time to prevent those partial eruptions and explosions from which no good could ensue. I do not deny that political agitation does occasionally condemn, and does try to repress, insurrectionary violence: to be sure it does—it does it whenever insurrectionary violence defeats the object of political agitation. You say, that political agitation has the power, and has exercised the power, of restoring peace to disturbed districts—that ten counties have been quieted through its influence. I, for one, will not pay such a price for peace and quiet. What does all this prove? Why, that there exists a power, superior to government, and superior to law, that operates by an unseen but magic influence on the mass of the people. This power may be strong for good purposes, but it is irresistible for evil. Do you think, if it can perform the miracle of stilling the stormy wave of the multitude, it need to put forth equal strength to rouse into fury the tranquil deep? Your government and the dominion of the law exist but by sufferance, if you permit yourselves to be duped by the sophistry, that, because political agitation may be able occasionally to control popular excesses, therefore it is a system to be tolerated and encouraged. But the truth is, that it can only control those excesses for a time: it must administer some great stimulant; it must excite a hope of some great measure of relief. At one time the Catholic question will serve its purpose; at another the repeal of the union, or the destruction of the church: but if it should come to pass that excitement cannot be maintained—that the special object to be gained cannot possibly be achieved: then popular excesses will break their bonds, and prove too strong even for political agitation.

You read to us plausible and artful manifestoes, exhorting the people to abstain from crime. They may be very sincere; you tell me they are so, and I am bound, at least, not to contradict you; but this I say, that the issue of such manifestoes is, of itself, no proof of sincerity. I say more, that the cunning of the serpent would suggest and dictate the issue of them. I will believe you to be sincere, if you will abandon the system of agitation at the same moment that you exhort the people to peace and good order; but, if you do not abandon that system, of what avail are your exhortations? Of course, the mass that obeys you will be more irresistible, as the habits of subordination and discipline are more complete. Is an army less powerful or less formidable because it maintains good discipline—because it obeys the orders of its superiors—because it abstains from individual acts of outrage and violence? I do not say, that such exhortations are incompatible with good intentions; but I will prove to you that they are quite compatible with the worst. Let us go back to the period of 1798. You will find, in the secret reports of the Irish parliament, on the origin and progress of the Irish rebellion, that the leaders of rebels, who were negotiating with France, were, at the same time, exhorting their followers to peace and good order. Here is an address of the county committee of Dublin to their constituents:—

“We recommend, in the most earnest manner, your constant recollection of your solemn obligations to promote a brotherhood of affection among Irishmen of every religious persuasion: suffer it not to be a mere profession; but realize it by every act of benevolence and kindness, as you would do to your natural brothers.

“Be sober, and promote sobriety in all your circles. Banish all violent and intemperate language from your meetings: be assured that nothing can injure the cause of liberty more than such conversations. Violent and intemperate language is affected by spies and enemies.”—Spies and enemies! one word on that subject. This

is the universal cant, that all the disturbances in Ireland are the work of emissaries employed by the government, to ensnare the credulous and innocent people into the commission of crime. I have been connected with the government, English and Irish, for near twenty years, and I declare, upon my honour, I never knew or heard of a spy or emissary employed by government for the purpose of seducing people into the commission of crime. The government that employed such instruments would be justly the object of execration and ridicule. But to revert to the address. "Avoid, as much as possible, all meetings in public-houses: a few minutes, in any convenient place, will be sufficient for a small number of men to confer on the objects of their deliberation."

What excellent advice! but where do I find it? Why, in the very same document which contains the resolutions and constitution of the society of United Irishmen;—in the very same document which explains the organisation of that extraordinary machinery of treason, by which baronial committees, and county committees, and provincial committees, and the national committee, were constituted; the inferior authorities each obedient to the commands of a superior, of whose names and persons it was kept in utter ignorance.

Among the persons who were apprehended in 1798, shortly before the breaking out of the rebellion, was an active agent of treason, of the name of Edward Ratigan. In his house there were found many thousand copies of an address to his countrymen, breathing that spirit of peace which betokens the holy effusions of religion, rather than a political manifesto. Can any thing be more edifying than the lessons which it inculcates?—"Your strength consists in being a cordially united and thoroughly well organised body. Let sobriety, let good character, let courage, let talents, be the qualities which shall direct your choice. Purge your societies of all suspicious or doubtful men. Be discreet, and avoid drunkenness. Be patient, and avoid riots. The taking of arms, by force, from houses is attended with great evil, and productive of no good; therefore, any man imprisoned shall not be maintained by their societies." [*Hear, hear! from some members.*]

Oh yes! the instructions are excellent; but sometimes the cry of "Hear, hear!" is premature. What a pity it is that this was not the only document found in the possession of Edward Ratigan! He would have gone forth with the character of an apostle of peace; and would have been sent, perhaps, on his holy mission, protected and rewarded by the government of Ireland. But Edward Ratigan had other papers in his possession, which might suggest a doubt of his apostolic character. He had a sergeant's oath, which runs thus:—"I, A B, do voluntarily declare that I will come forward when called upon by my captain or superior officer, and aid him in any eligible manner that may tend to the establishment of liberty or the freedom of Ireland; and that I will not call forward, under arms, any of the men consigned to my command, without the authority of my superior officer; and that I will not risk, by any illegal meeting, the safety of any individual under my command."

This oath throws some suspicion, I fear, on the good intentions of the political sermon on obedience and sobriety, of which Mr. Ratigan had so many thousand copies: but there was in the possession of Mr. Ratigan a still more awkward document. It reposed peaceably, side by side, with the admirable address which was cheered just now, and it is not a bad commentary upon it.

It is a return of the number of United Irishmen in thirteen counties of Ireland; that is, of the men among whom the address was to be distributed, and who amounted, from Mr. Ratigan's returns, to 111,725 men, for whom there were in store, according to the same return, 6,919 guns, 34,632 ball cartridges, and 43,125 pikes. So much for Mr. Ratigan and his exhortations to sobriety and good order. Now, all that I meant to prove was, that it may so happen that men with very dangerous intentions may sometimes give very good advice respecting the duties of peace, and obedience to the law; and I hope that I have succeeded.

It only remains to enquire what practical course I shall pursue. Shall I vote for the first reading of this bill, and thus permit a further consideration of it? or, shall I reject it at once, as an act of intolerable and unjustified despotism? I have, it is true, an alternative: I may, if I choose, range myself under the standard which has been erected by the right hon. gentleman (Mr. Tennyson), the member for Lambeth. But really, Sir, the device which he has chosen for his shield is so little inspiring,

that I am forced to hesitate. If his war-cry had been, "Down with the bill!" or, "Trial by Jury!" or, "Stand by the Laws!" or, "The British Constitution or Death!" one might have partaken of the enthusiasm of your leader, and followed him at all hazards. But when the leader has chosen such a very unromantic motto—when his standard is merely inscribed—"That this bill be read a first time on this day fortnight;"—when he rallies his followers with the sage advice, "Let us wait a little,"—"Come, tarry awhile with me," I have self-possession enough to resist his appeal.

Wait a fortnight! and for what? Why, to see what effect the promise of remedial measures will have in a fortnight. Did the right hon. gentleman hear the secretary of Ireland give an account of the relative progress of crime during certain periods of each of the last four years? It was bad enough in 1829; it was worse in 1830; 1831 was still more alarming; but 1832 almost exceeded belief.—Well! but you have had "remedial" measures in abundance during the interval. Why, you had extinction of tithe, as it was called: nay more, you had the great healing measure of all—reform of parliament. If they have done nothing in the space of four years; nay, if they have made—or, at any rate, if matters have become, in spite of them—infinitely worse, where is the use of waiting a fortnight? How I wish we were at this moment at the end of the fortnight, and that I could just ask the member for Lambeth what he would do next? Would he wait another fortnight, or pass the bill? No, Sir, there is no use in this delay; there is no use in pausing on the banks of this turbid stream, and poring over the waters, to see whether some days hence they will be less streaked and discoloured with human blood. I am for passing over while it is yet day; while the current is yet fordable; while it is yet within our power to carry across the stream succour to the law, and consolation to the drooping spirits of those who have begun to despair. Wait a fortnight, and you may be too late! not because you waited the fortnight; but because you showed the symptoms of irresolution and fear. The current already rapid, but still passable, may, before you are aware, become a foaming torrent, that refuses to be crossed—

"Lapides adesos,
Stirpesque raptas, et pecus et domos
Volventes unâ"—

I have attempted to refute some of the objections urged against this measure; but the truth is, that it is here, it is in this list, in this bloody catalogue of crime, that the true answer to these objections lies:—196 murders and murderous attempts; 194 burnings; 1,827 burglaries and attacks on houses! Can you deny these facts; and if you cannot, where is your answer to the argument drawn from them? It is too powerful not to be repeated. Above 2,200 acts of insurrectionary violence have been committed in one single year in one single province.

One hundred and ninety-six murders!—Why, you have fought great battles, and achieved famous victories, at a less cost of English blood! [An hon. member: No, no!] No! but I say emphatically, Yes. The battle of St. Vincent cost you less. The terrible bombardment of Algiers cost you less. With less profusion of English blood you rolled back the fiery tide which the exulting valour of France poured upon the heights of Busaco. But why do I talk of battles?—Oh, how tame and feeble the comparison between death on the field of honour, and that death which is inflicted by the hand of Irish assassins! It is not the fatal hour of that death that is most terrible; it is the wasting misery of suspense, the agony of expectation, that is listening for weeks and months to every nightly sound, lest it be the fatal knell to summon a whole family to destruction. These are the real terrors, from which the act of murder is but too often a merciful relief. In Ireland they can afford to give you notice of death; and woe to the victim that receives that notice and neglects it! In England, who is there that has mixed in public life and has not received some anonymous warning, or threat of personal injury, and, having received it, does not treat it either as a malignant jest, or an empty menace, which proves that from one quarter, at least, he is in no danger? But, in Ireland, these warnings are given in sober earnestness. They are the preliminary tortures, the refinements of cruelty, which embitter the pangs of death. These, Sir, may appear slight things, but they are in truth the colours that paint the state of society more vividly than volumes of laboured disquisitions.

There never was a tale of fictitious horror that equalled the romance that in that

state of society real life has presented. There never was a creative fancy that could figure to itself a state of misery more terrible than that which has been, and now is, endured by many a family in Ireland, or could portray, from imagination alone, such examples of heroic fortitude, of sublime composure in the very jaws of death, as have been exhibited by illiterate and wretched peasants. There you may find the gauge and measure of the load of agony which the human spirit, after repeated trials, can endure, without fainting under the pressure.

I am still haunted by the recollection of the scenes of atrocity and suffering with which I was once familiar. Will the House bear with me while I mention one fact to prove the truth of what I say, both as to the misery that is endured, and as to the fortitude that is exhibited? It occurred long ago, but it was then no rare occurrence, and it is less so now.

There was a family in the county of Kilkenny, consisting of a father, mother, and three children; the eldest child, a girl about nine years of age. The father had made himself obnoxious by giving evidence against some persons charged with Whiteboy offences, who were, I believe, tried and executed. He was forced to leave the country; he came to Dublin: but the desire to return to his native spot overcame his fears, and he was resolved to brave the danger. It was in vain to expostulate with him: all he asked was, that he might be allowed to return to his home, and that his house might be slated. Perhaps some English members are not aware of the object of this request, and do not see the great difference, in point of security, between a thatched and a slated house. Here, again, is one of the slight, almost imperceptible circumstances, that are unerring indications of the state of society. The house is slated, as a means of additional defence, to prevent the murderers, who may try to force an entrance through the door or window, from setting fire to the roof in case of failure. The man returned to his home, took possession of his house, received a notice to leave it, and a threat of murder if he did not; but he still resisted all importunity to him to come to a place of safety, and remained with his family some weeks without being attacked—long enough to relax his vigilance. One night his house was surrounded either by eleven or nine men (I forget which at this moment). He was asleep in bed with his wife and children. They broke into the house, dragged the man just outside the door, and murdered him in the most horrid manner, with pitchforks, in the hearing and almost in the sight of his wife and children. Now, let the House mark what I am about to relate. While the husband was in the struggles of death, the mother took her child—the child of nine years of age—placed it in a recess that was close to the fireplace;—and, such was the heroic fortitude of that woman, such her awful composure, while the cries of her dying husband were ringing in her ears, that she said to her child: “Those are the cries of your dying father. I shall be the next victim. After they have murdered him they will murder me: but I will not go out when they call me; I will struggle with them to the last, that I may give you time to do that for which I put you here. My last act will be to throw this dry turf on the hearth; and do you, by the glare of it, watch the faces of the murderers, mark them narrowly, that you may be able to tell who they are, and to revenge the death of your father and your mother.”

As the unhappy woman foretold, so it fell out. She was summoned, but she did not go forth. After a short but unsuccessful struggle with her murderers, she was dragged out of the house, and she was actually slain upon the bleeding body of her husband. The child obeyed her dying command—watched, by the lighted turf, the faces and every motion of the assassins—and upon the artless evidence of that child, which nothing could shake, five of those assassins were convicted, and hanged! Such are the romances of real life!

Alas! in that state of society in which such things take place, it is not merely that laws are powerless; all the moral restraints and checks on crime appear to have lost their force. Those feelings of pity, those compunctious visitings of nature, which, in other times, have given protection, at least to the helplessness of age and infancy, are extinct. There is no remorse. The conscience—“which makes cowards of us all”—inflicts no secret punishment on the murderer whom the law has spared. Those superstitious terrors; those salutary, and almost instinctive prejudices, that impress the mind with a belief that murder cannot escape detection—are obliterated. The mighty genius that dived deepest into the recesses of the

human heart, and laid bare the springs of human action, never imagined the total extinction of pity and remorse. When he painted the murderer, he painted him haunted by the recollection of his crime, and driven to distraction by the phantoms that pursued him :—

———“ Blood will have blood, they say ;
Stones have been known to move, and trees to speak ;
Auguries and understood relations have brought forth
The secret'st man of blood.”

In Ireland the man of blood is not secret ; and neither the law of his country, nor his own conscience, have any terrors for him.

In this state of things, then, there being no adequate punishment inflicted by the ordinary operation of law, and the force of moral restraints on crime being almost extinguished, shall we reject at once this measure as unworthy of consideration ? You are asked how this measure can supply the defect of evidence ? You are told that it is evidence, and evidence only, that is now wanted ; and it is enquired of you, in a tone of triumph, “ Do you mean to convict without the proofs of guilt ? and if not, how do you mean to procure those proofs ? ” I answer—By restoring confidence. Range yourselves on the side of order ; lend the weight of your authority to the law ; and from that hour you will instil confidence into the peaceable and well disposed, and strike terror into the coward hearts (for they are cowards) of nightly assassins. Then will men breathe a new atmosphere. Then will the position of the friends of order and of its enemies be reversed ; and those who suffer will come forth with voluntary testimony to aid the law, which gives them redress for past injury, and protects them from renewed wrong. But if you shrink from your duty—if you pause for a fortnight—if you cover your irresolution under the flimsy veil of requiring further time to consider, then take these consequences :—The contagion of depravity will rapidly extend ; the places yet healthy will be infected ; the whole land will become a moral wilderness, in which every principle of government will be subverted, and every rule of justice reversed—in which there will be no punishment except for innocence, and no security except for triumphant guilt.

On the motion of Mr. Baldwin, the debate was adjourned till the following Monday.

CHURCH REFORM (IRELAND).

MARCH 11, 1833.

Lord Althorp brought in a bill to alter and amend the laws relating to the Temporalities of the Church in Ireland.

In reply to Mr. Shaw, Lord Althorp stated that the bill would be printed and in the hands of members to-morrow. He saw no reason for delaying its second reading beyond Wednesday,—

SIR ROBERT PEEL could hardly credit that the noble lord meant that a bill of such extraordinary importance, and which would not be in the hands of members till Tuesday, should be read a second time on Wednesday. He had been asked many questions respecting its principles and provisions, and invariably answered, “ Let us suspend our judgment till it comes before us in a tangible and examinable form.” But would it not be a mere mockery to talk of duly examining and deliberately deciding upon a measure with which they were made acquainted only a few hours before they were called upon to express their opinion ? There was no precedent for such uncalled-for haste ; indeed, more time would be afforded for a bill of far less importance.

The bill was read a first time. Upon the question that it be read a second time on Thursday,—

Sir Robert Peel said, he would put it to the noble lord to say whether or not it was a fair ground to state that, because he wanted to satisfy the people of Ireland, he was about to introduce a conciliatory measure, in order to justify his coercive bill, that therefore only one or two days should be suffered to elapse between the printing of the bill, and the second reading of it. It was on the 12th of February that the

noble lord obtained permission to bring in this bill. Why had not the noble lord brought it in sooner? If he required additional time to that usually taken between obtaining leave to bring in a bill, and actually bringing it in, was it not too much, after taking that unusual time, to deprive the House of two or three days, which they desired to have after the first reading, for the purpose of discussing the bill. He asked for no delay whatever that could carry with it the suspicion that he wanted to defeat the bill—he asked only for that delay which would enable members to consider and pronounce upon it. The House might refuse delay with respect to the bill already under discussion, if the noble lord pleased, but he protested against the House being called upon to deal with a matter of this importance—to decide upon the principle of it—without giving even three days for consideration. He would venture to say such a proposition never had been made by any government; and such a proposition never could have been thought of by any but the present government. Let the House contrast the course which had been pursued with respect to the coercive measure, with that now proposed. The House permitted the noble lord to bring forward that important measure, without asking him rigidly to adhere to the established course, perhaps with sufficient reason; but had there not been a most lengthened discussion on the first reading of that bill? The first reading of this bill had taken place with an evidence of so little disposition to offer unnecessary delay, that it had been read almost without a single word having been said upon it; and that being the case, he would say, that to have the second reading fixed for Wednesday or Thursday, was too early to admit of the House pronouncing on the principles of the bill. He wanted no delay that was unnecessary. He would venture to say the noble lord would find a very different course pursued upon this bill to that which had been pursued upon the coercive bill; but it was hardly fair, presuming upon that, that he was to treat the House in such a way as it had never before been treated by any government whatever. There were several parts of this bill which he approved of—there were others which required explanation; and he asked the noble lord to trust to his knowledge of uniform parliamentary proceedings, and to consider that Monday next would not be too soon to fix for the second reading of this bill. The noble lord would not find any undue delay wished for, but surely the noble lord ought to contrast the proceeding on this occasion with that on the coercive bill. He did not think this bill, which was to extinguish ten bishops, to alter the whole tenure of church lands, to alter the interests, not only of the church, but of the lessees under it—above all, to appropriate part of the revenues of the church to secular purposes—he did not think it was unreasonable to ask for four days' delay between the first and second readings of such a bill. If the noble lord wished to reconcile parties who entertained strong objections to this bill—if he wished to convince them of the necessity and of the justice of it, it was to be hoped that he would only pursue that course which was consistent with the usage of the House.

Lord Althorp could not accede to the proposed delay, for as the decision of Thursday could only have reference to a matter of principle, and involved no details, he thought that every member in that House could be prepared to give his vote on the question, for or against.

The House then divided:—Ayes, 187; Noes, 46; majority, 141. Bill to be read a second time on Thursday.

LIVERPOOL ELECTION.

MARCH 12, 1833.

Lord John Russell moved that the Order of the Day for the ballot for the Committee upon the Liverpool election be read.

Lord John Russell then moved, that two members should be named by the House to conduct the enquiry; that twenty-one members should be chosen by lot from among the members present, to answer to their names, with such exemptions as the House should think fit to allow; that the two members should strike off each four names from the list of twenty-one; and that the thirteen remaining members should constitute the Committee on the Liverpool Petition.

In reply to a remark by Mr. Benett,—

SIR ROBERT PEEL doubted whether by law the corporation of Liverpool could apply a shilling of its funds to the defence of the parties charged with bribery. According to one of the provisions of the corporation funds' act, they could not devote any of the corporate monies to any purpose, even "incident upon an election;" and that the defence would be incident upon an election no man could doubt. To pay for the defence out of the corporation funds, therefore, would be to violate a positive act of parliament: and he strongly advised the treasurer of Liverpool, or whoever might be charged with the corporation funds, to beware how he issued monies for any such purpose.

Mr. Warburton then moved, as an amendment, "That the ballot should be taken, and the committee appointed, from members not having leave of absence, not serving on election committees, or not having such other exemption as the House think fit."

Sir Robert Peel could not help expressing his opinion, that the House had been inadvertently betrayed into the consideration of a plan which it would be most imprudent to adopt. The precedent they were about to establish would be most inconvenient and dangerous, inasmuch as it was calculated to throw aside the best tribunal that they had; namely, that appointed by the Grenville act for the trial of election petitions. He thought, too, should the precedent be established, that, hereafter, individuals would prefer trying cases of bribery at the expense of the public, through the medium of such a committee as it was now proposed to appoint, to trying them, as they must at present do, at their own expense, before a committee appointed, in the ordinary and proper manner, under the Grenville act. During the speeches of the noble lord and others who had addressed the House on the present occasion, he had been looking to some of the petitions that had been presented in the course of the present session of parliament, and in which the recognisances had not been completed. In several of these he found allegations of bribery and corruption much stronger than those imputed in the case of Liverpool. What would the House do with those petitions? The recognisances not having been completed according to the ordinary practice, they would be discharged. But if in the instance of Liverpool a committee of the kind now proposed were appointed, did it not follow that they ought also to appoint similar committees in all the other cases in which bribery and corruption were alleged, but which the parties had failed to come forward to prove, at their own risk and their own expense? He hoped that the general feeling of the House was opposed to the proposition; but if it were not—if it were determined to adopt it—he was sure the noble lord would admit, that the machinery of the new plan should be made complete, and that they should understand the nature of the tribunal which was about to be constituted, the more particularly as it was one which, if once established, was likely to be called into very frequent action. But let him put it to the noble lord, whether, in the case of a distant borough, a borough, for instance, in the west of Ireland, it would be just, on vague allegations of bribery, made by parties not willing to put their charge to the test, by going before a regular election committee, to put the country to the immense expense of bringing over witnesses for the purpose of investigating the case before a tribunal appointed in the manner proposed. He agreed with the right hon. member for Montgomeryshire in the view which he had taken, and in the opinion which he had expressed, of the very unsatisfactory manner in which it was proposed that that tribunal should be constituted. Acting under the responsibility of no oath, incapable of administering an oath to the witnesses called before it, and unassisted by the ingenuity of counsel to sift out the truth from evidence, which, as was well known, in all cases of disputed elections, was strongly tinged with party feeling—he could not, for his own part, conceive how the investigation of such a tribunal could terminate satisfactorily or advantageously. Why the employment of counsel should be refused, it was hard to comprehend; because, as the noble lord must know, all the obligation of an oath was not worth half so much—would not go half so far—to extort the truth, as the ingenuity of a lawyer in the cross-examination of witnesses. There was another part of the proposition which he did not understand. They were told that two members of the committee were to be named by the House, and that the remainder were to be chosen by ballot. What were to be the peculiar functions of the two nominees? There could not be two presidents of the committee. Were they to act

purely in the capacity of nominees of the two parties? That would be re-establishing a system which it was one of the particular objects of the Grenville act to abolish. It was quite necessary that this should be explained—because, from the passing of the Grenville act to the present hour, he had never heard one word uttered in favour of the revival of nomination upon these committees. On the contrary, he always understood that the greatest benefits had resulted from the abolition of that system. But, passing from that point, he would ask how the attendance of members was to be secured upon this committee, supposing it to be appointed? While so many regular election committees were sitting, how would it be possible to secure the attendance of members upon a committee of this kind? It was far from being impossible that the enquiry into the case of Liverpool might last for three months—in that case how could the attendance of members be secured? Under these circumstances, he protested against the proposed mode of proceeding. He very much doubted, indeed, whether any thing of the kind could be properly adopted, except under the sanction of a special act of parliament brought in for that purpose. If the House, however, was so confident in itself—if it imagined that it could so clearly foresee what the “end of this beginning” would be, and was, therefore, determined to adopt the noble lord’s suggestion, it would be vain to oppose it. At the same time, he could not help thinking, that by acceding to the proposition, they would establish a dangerous precedent.

On a division the amendment was negatived, and the main question agreed to.

CHURCH REFORM (IRELAND).

MARCH 14, 1833.

On the question being put that the Order of the Day for the second reading of the Church Reform Bill (Ireland) be now read,—

Mr. Wynn was of opinion ministers would have acted more prudently had they conformed to the usual practice in cases of this sort, instead of originating a new precedent upon it.

SIR ROBERT PEEL never felt more perfectly satisfied of the validity of any objection than he did at the present moment, of the validity of the objection which had been taken by his right hon. friend; and, although the expression might be a bold one, he felt certain that he could convince the noble lord of the actual necessity, conformable with the rules of the House, of not proceeding without previously discussing the clauses referred to, in a Committee of the whole House. The noble lord had stated very fairly, that the authority of his right hon. friend had great weight, but that he was not prepared to accede to it; and the two main grounds upon which he founded his objection were these—first, that it was not a general tax on all his Majesty’s subjects, that it was a tax on the clergy, and that the purposes to which it is to be applied were local rather than general.

Lord Althorp had said, that a certain portion of the monies derivable from this bill would be applied to the purposes of the Church, such as building, repairs, &c.; therefore, what he meant to express was, that the bill imposed a burthen only on a certain class, and not on all; that its object was specific, not general.

Sir Robert Peel was only stating the case with greater limitations than the noble lord. In the first place, the noble lord stated that it was a tax for the Church and not for a general public concern; and, second, that the House might proceed to the second reading of the bill, and before going into committee upon it, that we might refer the money clauses to a committee of the whole House. According to the practice of the House, the bill ought not to proceed to a second reading without those clauses being submitted to the preliminary ordeal of a committee of the whole House, by whom they would be affirmed, modified, or rejected. On the 29th of March, 1707, it was resolved—“That this House will not proceed on any petition, motion, or bill, for granting any money, or releasing, or compounding, any sum of money owing to the Crown, but after examination by a committee of the whole House, and the same is declared to be a Standing Order of the House.” On the 27th of June, 1735, a bill was introduced for establishing

a police force in Westminster, which was found to contain clauses for a stamp duty, and other taxes. No motion having been made to submit it to a committee of the whole House, it was thought advisable the next day, said Mr. Hatsell, to withdraw that bill, and to proceed in the regular course. That was merely a local tax, providing for the police of the city of Westminster, and because there was not a preliminary committee of the whole House, the bill was withdrawn. Was not that a strong case? In that instance it was a local tax which was proposed for a local object: and yet the neglect of the preliminary proceeding caused the withdrawal of the bill. Mr. Hatsell said, upon that principle the House laid it down for a rule as long ago as the year 1667—"That no motion or proposition for an aid or charge upon the people should be 'presently' entered upon; that by this means due and sufficient notice of the subject should be given; and that the members should not be surprised into a vote, but might come prepared to suggest every argument which the importance of the question may demand. And (continued Mr. Hatsell)—That such propositions shall receive their first discussion in a committee of the whole House (not, be it observed, after the first and second reading, as the noble lord proposed), is no less wise and prudent. There every member may speak as often as he finds it necessary, and is not confined in delivering his opinion by those rules which are to be observed when speaking in the House, and which, in matters of account and computation, would be extremely inconvenient, and would necessarily deprive the House of much real and useful information." He could quote several other cases where a committee of the whole House was required, though the object was a mere special one. In 1825, a case occurred on the petition of *John Campbell*, who prayed for compensation on account of losses sustained by riots at Glasgow. This related to an individual, and yet the case was reported on by a Committee of Ways and Means. In 1831, a bill was brought in by the noble lord himself for regulating the game-laws, and a duty of £2 was imposed on granting licences. Was that bill brought in with the clause in it proposing a tax of £2? No; the bill was brought in with only a reference to the clauses which imposed the duties. There was this note affixed to them, and printed in italics—"these clauses to be introduced in the committee." These were all instances of local taxes, to be applied to local objects. Now, what were the objects of the present bill? One of the objects was the building of churches throughout Ireland. Could there be any object more general than the building of churches throughout all that part of the empire? He would assert that this tax had a reference generally to the people; and if that resolution of the House of Commons which he had read, and which declared that no tax should be proceeded in but through the intervention of a committee of the whole House, were not considered a dead letter, then there could not be a doubt raised, but that, before they proceeded with this bill, a committee of the whole House should come to a resolution as to the money clauses. He conceived that the noble lord must see the necessity of consenting to his proposition, and of introducing those clauses to the House between the first and second reading of the bill. There was, at least, so much doubt on the subject as called for serious consideration.

After some discussion, Lord Althorp consented to defer the Order of the Day for the second reading of this bill, until some day next week, in order that the House might, in the meanwhile, have time to consider the question that had been raised.

The question was then put, that the bill be read a second time on Monday.

Sir Robert Peel would suggest to the noble lord whether it would not be better at once to appoint a select committee to search into precedents upon this point, and to make a report to the House, either to-morrow night or upon Monday next, on the subject, in order to direct the judgment of the House with regard to it. If such a course should not be adopted, the House would come to the decision of the question upon Monday not one whit better prepared than it was at present.

The committee was appointed accordingly, and the bill ordered to be read a second time on Monday.

SUPPLY—NAVY ESTIMATES.

MARCH 26, 1833.

On the motion of Lord Althorpe, the Order of the Day was read for the House to resolve itself into a Committee of Supply. The noble lord then moved that the Speaker do leave the Chair.

Sir James Graham concluded a very eloquent speech by moving, "That it is the opinion of this Committee that 27,000 men, including marines, should be voted for the service of the navy for the thirteen lunar months ending the 31st March, 1834."

Mr. Hume proposed as an amendment, That the vote should be reduced by substituting 20,000, for 27,000, men.

In reply to some observations by Sir Edward Codrington,—

SIR ROBERT PEEL observed, that if he did not rise immediately upon the hon. admiral's sitting down, it was that he felt justice required that the explanation relative to a right hon. gentleman who was absent should first be given. He must say, that in the whole course of the parliamentary experience of any man who now heard him, there had never been a more extraordinary appeal than that which the hon. admiral had just made.—In 1827, the battle of Navarino was fought. He (Sir Robert Peel) was recalled to office in 1828. A question was then put to him on the subject of the battle, or of the affairs of Greece, and it was his duty to give the best answer he could to it. In giving that answer, and in making some comment on the remarks on the subject of that engagement, it appeared that he had made some statement, which had given offence to the hon. admiral. The hon. admiral said, that he had read that statement in *Galignani's* paper, and that that statement did not correspond with the fact [Sir Edward Codrington said, that he found the same report in the *Mirror of Parliament*]. Well, then, in the *Mirror of Parliament*. But was he to be made responsible for statements published of him in *Galignani's* paper or in the *Mirror of Parliament*—statements made four years since, and the subject of which had of course in that time escaped his memory? He was always willing enough to do justice to any man about whom he had made, or was reported to have made, an erroneous statement; but was there any fairness in withholding from him an imputation of this sort at the time, when if he had made it, he could have best explained it, and then calling on him five years afterwards for an explanation, and not even then condescending to state what *Galignani* had put into his mouth, and what he was expected to answer? Surely the hon. admiral might have had the courtesy yesterday or this morning to have given him notice of this matter—to have said, that he was to be accused of doing the hon. admiral wrong. Had this been done, he should have done his best to have satisfied the hon. admiral—he should have referred to particulars about the several thousand slaves, and he should have then been prepared to meet the accusation of the hon. admiral. But now he was totally unprepared; the more especially, as he had had no concern with the instructions which led to that battle. Under these circumstances, and above all, because he had no communication from the hon. admiral, he was now quite unable to give any explanation from memory alone.

Sir Edward Codrington said, he had made communication about this matter in three official letters. He wrote to Lord Melville, requesting him to lay the letter before the right hon. baronet; he did so because that was the more regular and business-like way, and he mentioned it afterwards to the right hon. baronet's brother, Mr. William Peel.

Sir Robert Peel observed, that the hon. admiral ought to have given him notice that he was to be called on to-night. He had at first intended to give an answer to this matter from the Debates themselves; he accordingly asked a friend to fetch him not the *Mirror of Parliament*, for that was not in their library, but the *Parliamentary Debates*; but the volume he wanted could not be procured at the moment. He was now glad that it could not, for he did not think that he was called on, in justice to himself, to give from such materials alone an answer to a matter thus unexpectedly put forward. He again protested against being made responsible for what appeared either in *Galignani's* paper or the *Mirror of Parliament*, and repeated, that he ought to have had notice of this matter.

On a division, the amendment was negatived by 347 to 44; majority 303.

CORRECTNESS OF THE REPORTED DEBATES.

MARCH 26, 1833.

SIR ROBERT PEEL hoped that an opportunity might be conceded to him of saying a few words to explain the language respecting the proceedings connected with the affair at Navarino, which had been complained of by the gallant admiral opposite. The House, he took for granted, would bear in mind, that for the last three years he had been without any notification from the gallant admiral that he had any the most remote intention of bringing the subject under the consideration of parliament. It had been, however, brought before the House; and he felt it due, not only to the House, but to the gallant admiral and to himself, to explain how the matter really stood; he likewise felt it was due to all parties that he should postpone making that explanation until he should have had an opportunity of rendering it satisfactory by consulting all the means of information within his reach. Had he made any accusation against the gallant admiral under the influence of error, or if, in full possession of the facts, he had stated them to the House in a spirit of hostility or unfairness towards the gallant admiral, no lapse of time should have prevented him from doing tardy justice to a party aggrieved; but in the same proportion as he should have been anxious to repair a wrong, so should he be equally anxious and prompt to defend and vindicate his own conduct when he felt it, as he did feel it on the present occasion, to be unassailable. The gallant admiral had told them, that he purposely postponed giving his explanation on the subject of Navarino until he should be enabled to do so in the presence of a Reformed Parliament.

Sir Edward Codrington begged to remind the right hon. baronet, that he had written to Lord Melville, the then first lord of the admiralty, the moment he saw a report of the right hon. baronet's speech, contradicting the right hon. baronet's statement, with the understanding that Lord Melville would communicate his contradiction to the right hon. baronet, his colleague. He thought that the most delicate way. After that he mentioned the circumstance to Mr. William Peel. [Sir Robert Peel: What time was that?] I do not now exactly remember the exact time. My impression is, that it is not three years ago; but I cannot speak positively.

Sir Robert Peel appealed to the House, whether the impression conveyed by the gallant officer's statement last night was not, that he had communicated with Mr. William Peel on the subject recently. At least, most certainly, that was his own impression. Well, the gallant officer had at last brought forward his charge—confident of justice and redress from that Reformed Parliament. He could tell the gallant officer that he did not appeal to that Reformed Parliament with more confidence than he did. He had not solicited the attendance of a single friend; if any of his friends chanced to be present, it was merely accidental. He cared not that the tribunal was a Reformed Parliament, for he knew that he was addressing an assembly of English gentlemen who, as such, would be incapable of permitting themselves to be for a moment influenced by party or political feelings in judging of a question of a personal nature. No reformer in that House could have a more implicit reliance on its honour and equity. The question then was, not what might have appeared in some foreign newspaper, as the report of his sentiments respecting the gallant officer's conduct, but whether he, in the exercise of his duty as a minister of the Crown, did make a statement in his place in parliament inconsistent with fact, and bearing hardly upon the gallant officer's professional conduct. This was the question between them, and in discussing it he would dismiss all petty cavils respecting mere verbal expressions. The statement alluded to by the gallant officer was made by him on the 3rd April, 1828, very nearly five years ago. It was on the face of it not very easy for him to remember the precise words uttered by him on that occasion; and he had no other means of refreshing his recollection, except the contemporary publications of the proceedings in parliament. He had that morning carefully examined those publications—indeed had taken more pains to ascertain what he was alleged to have said than on any other occasion within his remembrance. Among the publications which he had consulted, he had referred to two morning papers of character and influence, and whose politics were, moreover, uni-

formly opposed to his own—he meant *The Times* and the *Morning Chronicle*. He particularly referred to these two journals, as well on account of their being opposed to him in politics, as that their reports could not possibly have been revised or corrected by him. He would refer also to the report published in *Hansard's Parliamentary Debates*, which was essentially the same as *The Times* report, and he would quote it the rather because, besides its agreement with *The Times* and *Morning Chronicle* report, from having the advantage of more time for revision and collation with other reports, it was the received and authentic record of the proceedings in parliament. Well, then, the question was, did *The Times* and *Morning Chronicle* faithfully report his sentiments on the occasion alluded to? He would not shelter himself behind any verbal inaccuracies that might be discovered in those reports, but would at once avow that he was surprised at the extraordinary accuracy and ability with which they must have reported what fell from him. He would abide by these reports; they were honest and able; he would be responsible for every word which they represented him to have spoken. He would vindicate them under any circumstances and at any place. The gallant officer had referred to another publication. He would not answer for that; if it differed from those reports, the accuracy of which he admitted, it was incorrect. The point simply was, whether he (Sir R. Peel) was or was not a correct interpreter of the sentiments of his Majesty's government. Two other parties were more immediately concerned, the Earl of Dudley and Mr. Huskisson; from both of whom he had occasionally differed in politics, but for both of whom he had ever entertained great respect, and both were then no more. The noble lord opposite (Lord Palmerston), who had an intimate acquaintance with what was passing at the time, would be enabled to bear testimony to the accuracy or to the error of his statements. At an early period of the session the question was raised by the hon. member for Westminster (Sir J. Hobhouse), whether the gallant admiral was entitled to the thanks of parliament for the battle fought by him at Navarino; and he (Sir R. Peel) was, in the discharge of his duty, obliged to oppose the motion. But he appealed to the House whether he opposed it in a temper that indicated any indisposition on his part to do justice to the gallant admiral? He stated on that occasion, "that his Majesty's government were as willing as those who might be inclined to support the motion of the hon. gentleman, to do justice to the gallantry of all who were engaged in the late affair; and, therefore, he was not without a hope, that the hon. mover, instead of pressing the question to a division, would adopt the suggestion of his right hon. and learned friend, and take that course which would, under all the circumstances of the case, be most satisfactory to the feelings of the gallant officer, most agreeable to the consistency of parliament, and, as he believed, to the wishes of the country at large." He placed his opposition to the motion on such grounds, that the right hon. baronet, the member for Westminster, declared that he felt no difficulty in withdrawing it; and he appealed to the testimony of his political opponents, in the perfect confidence that it would confirm his statement, that, in opposing the motion, he manifested no temper, nor tone, which could warrant the belief that he was actuated by any hostile or illiberal feeling towards the gallant admiral. But on the 3rd of April, 1828, a question was put to him by Sir Robert Wilson, his answer to which was the more immediate cause of the observations which the gallant admiral last night applied to him. About that time a report, which created a great feeling of indignation, reached this country, that the wreck of the Turco-Egyptian fleet had arrived at Alexandria, having on board a considerable number of Greek slaves, who were taken to the markets of the place and sold. He did not know the exact period when the rumour reached this country, but the first question relating to the affair was asked on the 24th of March, and that question was repeated by his gallant friend Sir Robert Wilson, on the 3rd of April, 1828. On referring to the report of what took place on that occasion (and he again declared that for that report he was in no way responsible, it having been made without reference to him, though he felt himself bound, in justice to his own character, and to those now no more, to abide by its substance), he found that the answer given by him to the question of his gallant friend was as follows:—"Mr. Secretary Peel said, he had already stated, that in 1825, and consequently long before the protocol was signed by the Duke of Wellington, at St. Petersburg, and long before the treaty of the 6th of July, his Majesty's ministers had received indistinct intelligence, that the

commander of the Egyptian forces intended to take away the inhabitants of the Morea to serve in Egypt; and before the treaty of the 6th of July was entered into, a distinct and formal intimation was given to Ibrahim Pacha that his Majesty would never agree to such an exercise of the rights of war, or allow the inhabitants of the Morea to be converted into slaves by force." This must be a most correct report, because it was in exact correspondence with the facts of the case; and considering all the circumstances under which the debates in that House were reported, he was bound in justice to bear testimony to the general fairness and impartiality of those whose business it was to report the proceedings of Parliament, and he could not avoid expressing his astonishment that it was possible to make a report so correct in substance as the one he had just read. In consequence of the intimation that part of the population of the Morea was to be transported to Egypt, orders were sent out from this country, in consequence of which, an officer, who was an honour to his profession, and whose loss his country, as well as his immediate connexions, must deeply deplore—he meant Captain Sir Frederick Spencer—was despatched to Ibrahim Pacha, with instructions to notify to him, that if he intended to carry on the war on such principles, England would interfere with a naval force to prevent acts so inconsistent with the usages of nations, and with common humanity. He (Sir Robert Peel) then went on to state—"that instructions had been given to the British admiral before the battle took place, and these instructions were consequently still in force, by which the British fleet was directed to prevent any movement whatever of the Egyptian force; with this exception only, that if an attempt were made to remove the Egyptian army from the Morea, every facility should be afforded for the execution of such an attempt; but it was perfectly understood that the Egyptian forces only were to be removed, and that any attempt at removing any portion of the population of the Morea was to be resisted." Now, let the House remark the proof he could give of the extraordinary correctness of this report. He had referred to the instructions given by Lord Dudley, on the 15th of October, 1827, before he (Sir R. Peel) was in office, and as the battle of Navarino took place on October 20th, the instructions must have been drawn up six weeks before the news of the battle reached this country. They ran thus:—"The commander of the British fleet will concert with the commanders of the Allied Powers the most effectual mode of preventing any movements by sea on the part of the Turkish or Egyptian forces." By the same opportunity, pursuant to the protocol of the 15th of October, 1827, under which these instructions were also sent out, this instruction was sent to the commanders of the naval forces of the Three Powers in the Mediterranean:—

The admiral, to whom the task of watching the port of Navarino shall be allotted, by mutual agreement betwixt himself and his colleagues, should be instructed to hold out, in concert with him, every inducement with the Pacha of Egypt, and to his son, to withdraw the Egyptian ships and land forces altogether from Greece, and to assure them that every facility and protection will be given for their safe return to Alexandria; but he is, on no account, to enter into any stipulation for allowing the ships to return to Alexandria without the troops.

Secret instruction. Annexed C. to the protocol 15th October.

It is thought expedient, not only that the regular commerce of neutrals; that is, such as is not carried on in order to aid the belligerents, should proceed uninterrupted, but that interruption should be confined to neutrals sailing under the convoy of Turkish ships of war.

Such were the instructions given by Lord Dudley, at least a month before the account of the battle of Navarino reached this country. Now, was not the report of his speech, as far as he had read it, in exact conformity with the facts which occurred and the instructions which were actually given? He had gone on in his speech to say: "On the 28th of December, a fleet, consisting of forty-five sail, arrived at Alexandria. This fleet was the remnant of that which had been engaged in the action at Navarino. These vessels had on board the disabled seamen and soldiers, and also some women and children, but what the number of them was he could not tell." The gallant admiral stated last night that he (Sir R. Peel) had given countenance to the charge brought against the vigilance of the British fleet, by declaring that 16,000 or 18,000 slaves had been allowed to be taken from the Morea. Now, how stood the facts? Sir Robert Wilson said, "that official advice had been received

—that he had heard even 7,000 persons—but certainly several thousand persons, men, women, and children, had been forcibly taken from the Morea, put on board the Egyptian fleet, and landed at Alexandria, where they had been publicly sold as slaves.” If he (Sir Robert Peel) had been actuated by any hostile spirit towards the gallant admiral, he certainly should not have been anxious to diminish the number of the slaves who were stated to have been thus carried away. But what were his observations on this point? He was reported to have said: “the number of the persons taken away he could not tell, but that he had seen an account, which rested on tolerable authority, and that account stated that the number did not exceed 600.” The fact was, that the accounts of the number of the Greeks carried away by the Turco-Egyptian fleet varied from 5,000 to 600; but he, so far from wishing to countenance any exaggerations, mentioned the very lowest account which he had heard. Did the gallant admiral remember the interview he had with the Pacha of Egypt, on August 6th, 1828, and the report which he made in consequence of that interview? [Sir Edward Codrington: Very well.] He had brought with him the memorandum of that conference, and would read it to the House. It ran thus—

“Memorandum of a Conference held at Alexandria, on the 6th of August, 1828, between Sir Edward Codrington and the Pacha of Egypt.

“The admiral said, that the only circumstance that might remove any objections on the part of his government, would be an engagement by his Highness to do every thing in his power towards obtaining the liberty of as many Greek slaves as possible—that his Highness was aware how loud the cry had been both in England and France on this subject, and more particularly by the deportation which took place subsequently to the battle of Navarino.

“His highness stated positively that not one slave had been made subsequent to that battle—that 1,900 Greeks were brought over; 1,200 Candiotes—greatest part wives of officers and soldiers.

“The admiral observed, that the not having prevented the return of those ships containing slaves, was a great cause of complaint against him, so that he must do every thing which he could to procure their release.”

Surely the gallant admiral would, after that, find it impossible to maintain that he countenanced the impression that thousands of slaves were received at Alexandria. He had read nearly the whole of his speech as it was found in *Hansard*, except the concluding paragraph, which was this:—“The subject was one to which ministers had given their best attention. Immediately upon the arrival of the intelligence in this country, instructions had been sent out to the British admiral, and in a very short time he had very little doubt of being able to enter into full explanations without any prejudice to the public service.” That was the whole of the speech which he delivered on the occasion he had alluded to, and he defied any person to discover in it any thing indicating an illiberal spirit towards the gallant admiral. The gallant officer said, that despatches were not sent to him immediately after the arrival in this country of the reports of the transportation of the Greek population to Egypt. [“Hear,” from Sir Edward Codrington.] But of what importance was it whether they were sent immediately or not? He had then stated in his place that he was not able to give specific information; but admitting that he did use the word “immediately,” let the House see what period of time elapsed before instructions on this point were conveyed to the gallant admiral. It must be recollected by the House that no instructions could be sent to the gallant admiral which were not addressed to the three commanders of the combined fleet; and before that could be done, it was necessary to hold a conference and prepare a protocol. Not having the documents at present in his possession, he did not know whether the Egyptian fleet sailed from Navarino on the 27th December, or whether that was the day on which it arrived at Alexandria, but he found that a conference was held on the 12th of March, doubtless immediately upon the receipt of the intimation of the landing of a portion of the Greek population at Alexandria. At that conference instructions were sent to the admirals commanding the combined squadron in the Levant, expressly referring to the accounts received from Alexandria, in these words:—“In consequence of information received from Alexandria, that a great number of Greek captives, among

whom are many women and children, have been lately sent from the Morea to be sold as slaves in the market of Alexandria, you will hasten to announce to Ibrahim Pacha, that you have positive orders to prevent the renewal of such outrages; and in case you should find any of their captives on board the vessels that you shall have occasion to visit, you will take the necessary steps to restore them to liberty, and to send them with safety to some point of Greece not occupied by their enemies." Those instructions were agreed to at a conference held March 12th. Knowing the nature of these instructions, was he not warranted in saying, on the question being asked on the 24th of the same month, that immediately on the receipt of the news that the Greek population was being carried away to Egypt, instructions were sent out to prevent a repetition of the act? He had quoted the whole of the speech made by him on the 3rd of April; but in answer to Sir Francis Burdett, who "expressed a wish that proper steps would be taken to restore those unhappy people who had been carried away into slavery to the home from which they had been so atrociously removed;" and to Sir J. Mackintosh, who said "that he could not doubt that the enquiry in which the government was engaged referred to the most convenient measures for restoring the unhappy victims to their country;" he (Sir Robert Peel) stated, "that he was not aware that it was possible entirely to go that length. Undoubtedly, if the instructions of government had been strictly complied with, the transportation of those persons would have been prevented." In that observation he alluded to the orders issued before the battle of Navarino, requiring the Greek ports to be blockaded, and that the Egyptian ships should not be allowed to leave the ports of the Morea unless they carried with them the Egyptian army. He appealed to the noble lord (Lord Palmerston) whether the construction which he put on these orders was not the same as had been put on them by Mr. Huskisson and other members of the government? If those orders had been complied with, no Greek captives could have been carried away; but did he go out of his way to impute blame to the gallant admiral? No man could read the report of his speech without acknowledging that, whilst he was desirous of vindicating the conduct of government, he was also anxious to do the gallant admiral strict justice. He went on to state, that "no blame was to be attached to the conduct of our fleet, the physical powers and means of which had been cramped by the battle of Navarino; but the orders, if it had been possible to execute them fully, were to prevent any movement of the hostile fleet, unless one which should be sanctioned by the English admiral, and of which the object should be to transport the Egyptian forces employed in the Morea back to their own country." That was the whole of the statement which he had made, and thus, while vindicating the government from blame, he also said, that he cast no censure on the gallant admiral for not carrying into effect his instruction, because he knew the physical powers of the fleet were cramped by the battle of Navarino. The gallant admiral last night complained that he (Sir Robert Peel) had stated that despatches were sent out to him immediately or within forty-eight hours after the arrival of the intelligence of the transportation of the Greek population to Egypt. In none of the reports to which he had alluded did he find any mention of that circumstance. In *Hansard's Debates* he was reputed to have said, "As the intelligence at present stood, the extent of the spoliation that had been committed was uncertain. Unfortunately, those slaves had been landed in Egypt, and sold in the public market. If the ships which contained them had been taken at sea, there could have been no difficulty about their disposal, but now they were probably divided, and the property of private individuals. At present he would go no further than to repeat, that within forty-eight hours after the arrival of the news, the most active enquiry had been entered upon by government as to all the facts connected with the case. Sufficient information had not yet been received, but the investigation was going on." The gallant admiral had stated that he read in *Galignani's* paper, that he (Sir R. Peel) stated that within forty-eight hours after the receipt of the intelligence a despatch was sent out to him.

Sir Edward Codrington observed that he saw the statement in the *Mirror of Parliament*.

Sir Robert Peel: Certainly wherever the gallant admiral saw the statement, it was not in any of the reports to which he had referred, and by which, as they were in exact conformity with what he had said, he was ready to abide. Of this he was certain, that within three days at most after the arrival of the news in England, a

despatch on the subject was sent, not to the gallant admiral opposite, but to Mr. Barker, the British resident at Constantinople. That despatch required immediate enquiry into all the facts, and the utmost efforts to procure the release and restoration of the captives. These things he knew to be facts, and he could not doubt them. When he was asked what steps had been taken for the redemption of the Greek captives, of course he replied by referring to the communications made to Mr. Barker, by whom the steps were to be taken. What was the impression made upon the House by his statement? Did the House think that he had not acted fairly towards the gallant admiral? He found in the *Chronicle* report that the debate concluded with the following observation of Sir Joseph Yorke:—"Sir Joseph Yorke bore testimony to the disabled state of our vessels after the battle of Navarino, and was happy to hear that, whatever might have been the causes which led to the removal of the Greek captives from the Morea, no blame or negligence whatever was imputable to our officers engaged in the gallant action of Navarino." That was said by a man who felt the deepest interest in the professional fame of every officer in the navy; and if he (Sir R. Peel) had done injustice to any officer employed in that expedition, Sir Joseph Yorke would have been the first to condemn him for doing so. He might make other observations on this subject, but he had mentioned all that was material. The reports which he had quoted were those of *The Times*, the *Chronicle*, and *Hansard's Debates*; all of which were most correct in substance, and in none of which did the expressions attributed to him by the gallant admiral appear. He had stated the authority upon which he had made those statements, and the nature of the construction put upon the instructions by one member of that government which sent them out; he had appealed to the recollection of those present as to the tone and temper in which those statements were made, and he now asked that House, whether the charge brought against him by the gallant admiral was founded in fact, or had been made in a manner consistent with courtesy? He was sure the gallant admiral would, upon consideration, confess that he (Sir R. Peel) had shown every disposition to do him justice. The question was whether he had put a correct construction on the instructions of government? If any motion were made for the production of the official documents he would be most ready to second it; and he asserted, that the letters written by the admiralty, by Lord Dudley, and by Mr. Huskisson, would be found in precise conformity with his present statements. He was grateful to the House for the attention with which they had listened to him. If he had been conscious that he had ever made any observations which were unfair to the gallant admiral, the lapse of time should not have prevented him from doing the gallant admiral justice now. For the speeches which might have been attributed to him in foreign newspapers he was not responsible, but he was quite prepared to stand by the reports to which he had already alluded. There might be slight variations in those reports, but that did not impeach their general accuracy. An expression might not be heard, or might be misconstrued, and yet the general bearing of the report might be substantially accurate and correct. For instance he had seen it stated in the papers of this morning, that the gallant admiral had said, that he had made a communication on this subject to Lord Melbourne. Now, the gallant admiral had done no such thing, nor did he state that he had. He said, that he had made a communication to Lord Melville. He again repeated, that the reports of the words attributed to him in 1828, in the papers to which he had before referred, were correct: and they proved that he had made no statement that was inconsistent with facts, that was inconsistent with impartiality, or with justice to the gallant admiral.

Sir Edward Codrington expressed his satisfaction at the statement of Sir Robert Peel. If the right hon. baronet had, at any former time, been kind enough to say as much in answer to his application for redress, as he had said that evening, the House would never have heard any complaint from him. If he had been wanting in courtesy to the right hon. baronet yesterday, in bringing this question so unexpectedly forward, he was unintentionally so, and tendered his apology for it to the House. He would fearlessly assert, that neither in spirit nor in letter had he ever disobeyed any orders which he had received as an officer. So far was he from bearing any ill-will to the right hon. baronet, that he would conclude as he began, by declaring, that if

the right hon. baronet had at any previous time said what he had that night said, he should have been perfectly satisfied.

Sir Robert Peel said, that as the hon. and gallant admiral had now stated he had not had any intention of making any personal remarks upon him, he was bound to say, that nothing was further from his intention than to have said any thing that was painful to the feelings of the hon. admiral. At the same time, he must observe in his own justification, that the hon. admiral had made use of very strong expressions, which, together with the unexpected call made on him last night for an explanation, had made him reply, perhaps, rather warmly. It appeared that there was a difference between them as to the instructions that had been sent out to the hon. admiral, which was the only point at issue. He should now only add, that if, two days ago, the hon. admiral had placed in his hands the book now referred to, and had asked him whether he had made a statement with any intention of casting blame upon him, the gallant admiral surely could not doubt that he should have at once denied any intention of giving pain to the hon. admiral. Whatever he had said was the result of the hasty attack that had been made upon him. The hon. admiral had asked him to read a certain pamphlet; in return, he wished to be allowed to entreat the hon. admiral to read that which, as far as it could be so, was an authentic account of what he had stated on the occasion in question. He should only add now, that he had not any recollection whatever of Lord Melville having made any communication to him on this subject.

Viscount Palmerston was ready to confirm the statement of the right hon. baronet, that, in whatever was then said, no blame was meant to be cast upon the hon. and gallant admiral, though the impression of the government certainly was, that if his fleet was in a state to keep the sea, he was authorized to intercept the transportation of these slaves. The enquiry was only instituted with a view to ascertain the real facts of the case.

Sir Edward Codrington said, that if what had been attributed to the right hon. baronet, or what he had said were ten times as strong, the moment he heard him deny that he had any intention to cast any blame on him he was perfectly satisfied.

Sir Robert Peel said, that he would abide by the reports to which he had referred. The hon. and gallant officer had not pointed out to him the observations of which he complained in the *Mirror of Parliament*.

Sir Edward Codrington said he would hand the report to him.

The conversation then dropped.

SIR JOHN SOANE'S MUSEUM.

APRIL 1, 1833.

Mr. Cobbett presented a petition against this bill. The petitioner, Mr. George Soane, the only surviving son of Sir John Soane, "prayed to be heard in person, or by counsel, at the bar of that House against the passing of the bill, or that the House would take such other steps as it might deem meet to prevent the object of the bill." The hon. gentleman was of opinion that the House could not justly sanction an appropriation of property by which the grandchildren of Sir John Soane must suffer, and which would be the case if the present bill passed into a law.

Mr. Briacoe was of opinion, that if the objects of art left by Sir J. Soane were sent to the British Museum, it would be of more use to the public, and a large sum would be thus saved for the grandchildren. He suggested that it would be proper to delay the third reading of the bill until hon. gentlemen should have made themselves more fully acquainted with its object.

SIR ROBERT PEEL said, in the present instance a gentleman of great eminence in art had devoted his own money to the accumulation of most valuable relics. He had done so by denying himself indulgence which other persons in an equal station of life generally enjoyed; and he proposed to present that valuable collection—a most liberal act, indeed, on his part—to the public; and all that he now asked for was an Act of Parliament to put an end to all questions as to the validity of that gift. As to the gift itself, he thought that the House and the country ought to receive it with

the greatest thankfulness, and in the most gracious manner. With respect to the suggestion which had been thrown out by the hon. member for Surrey, as to the property being placed in the British Museum, he meant to propose a clause on the third reading of the bill, the object of which would be to place the property in the British Museum, thereby saving the expenditure of a great deal of money upon a separate establishment.

Mr. Hume moved that the bill be read a third time.

Mr. Cobbett proposed as an amendment, that Soane's Museum Act be referred to a Select Committee.

The amendment was negatived, and the bill read a third time.

Sir Robert Peel said, he had a clause to propose, which might, perhaps, answer the objections of the hon. member for Oldham. The effect of the clause would be to enable Sir John Soane, at any time after the passing of the Act, to bequeath all his valuable relics to the British Museum, instead of placing them in two houses, the property of Sir John Soane, in Lincoln's Inn-fields. Those two houses, by the clause, would thereby be placed again in his absolute power and control, and also so much of the bill as related to the money; he would have the whole control of disposing of the £30,000 and the two houses as he pleased. The expense of keeping up two establishments was unnecessary, and by the proposed clause, the expense of a separate establishment would be saved. There were abundant reasons why the public should not derive any benefit from the large sum of money which Sir John Soane had proposed to place at its disposal. Let the public restore to Sir John Soane the whole power over that money. So far from discouraging such splendid gifts he was for receiving them, and acknowledging them in the fullest and most handsome manner, and he hoped that Sir John Soane would consider whether he would not better promote the object he had in view by placing the relics in the British Museum, and having the collection called by his own name, than by placing them in a separate establishment.

The clause was read a first time.

On the motion that it be read a second time,—

Sir Samuel Whalley thought a great facility would be afforded for inspecting the collection if it were removed to the British Museum; he must, however, complain that it was not continually open.

Several other hon. members suggested the propriety of keeping the Museum open to a later hour, and, if possible, during the holidays.

Sir Robert Peel was of opinion that immense advantage would accrue if the most public notice possible was given of the hours and days on which the Museum was open. He knew that many persons coming from the country, who were extremely desirous of seeing the British Museum, were disappointed because they happened to go there on a day on which it was not open.

The clause was agreed to, and the bill passed.

CHURCH REFORM (IRELAND).

APRIL 1, 1833.

The House having gone into committee on the plan for regulating the temporalities of the Church of Ireland,—

Lord Althorp, after a few preliminary remarks, proposed the following resolutions:—

1. That it is the opinion of this committee that it is expedient that the Lord-lieutenant of Ireland should be authorized to appoint Ecclesiastical Commissioners for the purpose of carrying into effect any Act that may be passed in the present session of parliament to alter and amend the laws relating to the temporalities of the Church in Ireland; and that the said Lord-lieutenant be empowered to order and appoint such salary or other emoluments as he shall deem fit to be paid to such Commissioners, not being bishops.

2. That it is the opinion of this committee that it is expedient to make provision for the abolition of the first-fruits in Ireland, and in lieu thereof, to levy an annual

assessment upon all bishoprics and archbishoprics, and upon all benefices, dignitaries, and other spiritual promotions above the yearly value of £200, to be applied to the building, re-building, and repairing of churches, and other such like ecclesiastical purposes, and to the augmentation of small livings, and to such other purposes as may conduce to the advancement of religion, and the efficiency, permanency, and stability of the united Church of England and Ireland.

3. That it is the opinion of this committee that vestry assessments for any of the purposes to defray which the annual assessment mentioned in the preceding resolution may be applicable should be abolished; and that any law, statute, or usage, authorizing such assessment, should be repealed.

On the question being put on the first resolution,—

Mr. Lefroy said, that the order in which the resolutions were brought forward was calculated to create some embarrassment. The hon. gentleman then proceeded to discuss the resolutions; and concluded by saying he should not move his amendment upon the first resolution, but should reserve it for the second, which involved the principle of the measure.

Mr. Sheil, Mr. Macaulay, Lord Althorp, and several other members, having addressed the House,—

SIR ROBERT PEELE said, that if every member who had spoken had adhered to the rule adopted by the noble lord, and had confined himself strictly to the resolution before the committee, he should have been glad to follow such an excellent example. As the first resolution was a mere resolution of form, a resolution to the effect that certain commissioners should be appointed, and as the assenting to it would not deprive him of objecting to the appointment of such commissioners hereafter, he should have made a shorter speech even than that of the noble lord, had it not been that the whole debate of the night had turned upon the main object of the intended measure, contained in the resolutions which were to follow; and as it appeared to him more convenient that they should now discuss the main question, instead of resuming the discussion upon it, with five hours and a half of the debate lost, he would then enter into that discussion. He begged, before doing so, to observe, with regard to the present resolution, that he doubted much whether they ought to establish the distinction of salaried and unsalaried commissioners. It was plain that the ecclesiastical unsalaried commissioners would be frequently called away to the performance of other duties; that some of them would be summoned annually to London to attend their parliamentary duties in the House of Lords, and that therefore the whole practical work of the commission would devolve upon those salaried commissioners who held their situations at the pleasure of the Crown. He should therefore reserve to himself the right of objecting hereafter to granting salaries to those commissioners. He should now proceed to the main subject of the debate which had been raised by the second and third resolutions. The second resolution regarded the abolition of first-fruits, and the provision of a substitute in lieu thereof; and the third resolution proposed the complete abolition of vestry-cess. It appeared to him that it would have been a wiser and a better course of proceeding that the abolition should not take place until the substitute had been provided. In the way they were proceeding at present they were only reacting the part which they had acted last session, when they decided on the "extinction of tithes," without providing a substitute; and let the House mark what had been the result. Warned by that example, ought they not to take care that they did not practically put an end to vestry-cess, from the moment they declared that it ought to be abolished. The second resolution provided that any loss which the abolition of the church-cess might occasion should be provided for by a tax to be levied separately upon the clergy of Ireland. The noble lord, in his first speech, in introducing the bill, calculated the vestry-cess, the abolition of which was contemplated, at £60,000 or £70,000 a year, and he said then that it would not be necessary to provide a substitute to a greater amount. Surely, the noble lord should recollect that there were two species of vestry-cess—one, from the levying of which in vestry, Roman Catholics were excluded, and which was applied to the maintenance of the fabric of the church, and other strictly ecclesiastical purposes. [Here the right hon. baronet was interrupted by a stranger, who had occupied a seat under the gallery, and who, rushing forward up to the floor of the table where the mace lay,

exclaimed, "Stop, Sir Robert Peel. I beg your pardon. I declare (here he turned his face to the gallery) that I am a poisoned man. I am poisoned by Earl Grey. I am a poor unfortunate Irishman, and my name is William. I came here to look for justice, and I am poisoned by Earl Grey's orders!" There were loud cries of "order, order," during the delivery of this incoherent address, and the chairman having called the serjeant, the offender was removed in custody out of the House.*] A portion only of the vestry-cess was applied strictly to ecclesiastical purposes, and before the House of Commons undertook to legislate on a matter of this nature, it ought to ascertain the exact amount of the tax to be taken off, and the amount required from other sources to supply the deficiency. It was only that part of the cess to which he had referred, the impost in lieu of which could with any justice be laid on the church, and that was greatly exaggerated when its amount was stated by the noble lord at £60,000 or £70,000 a-year. It was plain that the noble lord had very little information respecting its amount. But surely, when the noble lord proposed to lay a tax upon the clergy, he should know the amount of that cess for which the proposed tax was to be a substitute. Surely, if they wished to attach the principles of permanency to the reform which they were about to effect, they should go through all those preliminary considerations, by which something like justice might be observed. If gentlemen wished reform to be beneficial and permanent, it must be just. To be just, they ought first to ascertain the amount of the sum, otherwise how could they say, that five, ten, fifteen, or any other per centage on the income of benefices would be sufficient? The intention of the last resolution was, to relieve the land of Ireland. They were not about to give any thing to the poor of Ireland by these resolutions, but they would relieve the land of a certain burthen, from which however the immediate occupier of the soil would derive no benefit. What could prevent the owner of the soil, when he found the occupier relieved from this charge, from demanding an increase of rent. Was there any precaution to prevent it? He did not know whether it would be possible to prevent it, but that would furnish a topic for future discussion. It was, however, a practical part of the subject which had been overlooked by the hon. and learned member for Leeds. The speech of that hon. and learned gentleman had nothing to do with the resolutions before the House. His speech was as applicable to church property in England as in Ireland, and the gist of it was, that parliament, not on account of any grave necessity, but on any, the slightest allegation of expediency, had a right to lay a tax upon this species of property. The hon. and learned gentleman even went further, and exclaimed: "Let us hasten to relieve ourselves from the opprobrium that has befallen us. Every nation in Europe has confiscated church property, while we are yet behind in that noble career of improvement. Let us hasten to follow the example of others." The hon. and learned gentleman was not content with declamation, but referred to authorities. He cited the practice of that great ecclesiastical reformer—Peter the Great. Joseph the second was another of his authorities—but the practical result of his church reforms in the Netherlands was surely not very encouraging. The hon. and learned gentleman had gone so far back as Philip Le Bel for a precedent by which the fate of the Church of England was to be determined. They had a perfect right, it appeared, to dispose of the church property, not only in Ireland but in England, because the hon. and learned gentleman would find examples of confiscation upon the part of despotic sovereigns. He should now apply himself to the resolutions before the House. He did expect that whatever tax the noble lord intended to impose would have been specified in the resolutions; but they had not even as specific a statement of it as was contained in the former bill. The resolutions merely contained the vague general principle that a tax should be imposed. What was the object in having a committee of the whole House in the first instance, if they were not to have a detailed statement as to the nature and amount of this tax? The second resolution merely established the principle that such a tax should be imposed—it merely stated that "it is expedient to make provision for the abolition of the first-fruits in Ireland, and in lieu thereof to levy an annual assessment upon all bishoprics and archbishoprics, and upon all bene-

* At the close of the business, a medical gentleman, who had visited the individual (mentioned in the text) was called to the bar, and gave it as his opinion that he was of unsound mind. It was ordered, that he should remain for the present in custody.

fices, dignitaries, and other spiritual promotions above the yearly value of £200, to be applied to the building, rebuilding, and repairing of churches and other such like ecclesiastical purposes, and to the augmentation of small livings, and to other such purposes as may conduce to the advancement of religion, and the efficiency, permanency, and stability of the United Church of England and Ireland." The effect of that second resolution, as he had already stated, would be, to relieve the land from a burthen to which it had been hitherto subject, and subject to which it had been taken, and to throw that tax upon the benefices of the clergy, who had entered upon them not subject to such a burthen. This tax, too, was to apply to existing interests. Now, he for one would be ready to consent to the principle, that first-fruits should be abolished, for he thought the mode of collection a bad one, and that a better one might be devised; but surely every principle of justice required that existing interests should be secured from the imposition to be provided as a substitute. Was it consistent with common justice to throw this imposition upon individuals holding benefices who had taken them upon the implied condition that they should not be subject to it? He would take, as an instance, a benefice that had been entered upon, say three years ago, and the first-fruits of which had been paid, would it not be extremely hard, and most unjust, that the individual thus absolved from the first-fruits because he had already paid them, should be subject to this tax? This was not only subjecting to this tax existing vested interests, but subjecting to it a man who had already given the equivalent for it. There were many such cases in Ireland. He knew himself of the case of a living of £1,300 or £1,400 a-year, wherein the incumbent, owing to family circumstances, had been obliged to insure his life, and wherein he was now in the receipt of only £300 a-year. A great portion of his remaining income would be absorbed by this tax. Was a person so circumstanced to be totally deprived even of the means of subsistence for himself and his family? It was on the express condition that existing interests should remain untouched that ministers had obtained his consent to substitute a tax for first-fruits, and he should hesitate to proceed further if the condition was not adhered to. There could be no doubt that ministers did not originally intend the tax to fall on the existing occupants of benefices; for the resolution of the committee of last session (the right hon. baronet read the resolution) declared that the tax in lieu of first-fruits was to effect only benefices hereafter falling in. It was clearly the intention of the framers of the resolution that the impost was only to be levied upon future incumbents. Thus, then, was the faith of government pledged to the protection of existing interests. The hon. member for Leeds (Mr. Macaulay) had endeavoured, but with a very light and timid touch,

Et quæ
Desperat tractata nitescere posse relinquit,

to draw a distinction between the property of ecclesiastical and lay corporations; but not one word did he say upon the subject of vested interests. Indeed he seemed to imagine that none existed. He could not admit the justice of the hon. and learned gentleman's argument, that because there had been a transfer of the property of the Church from the Roman Catholic to the Protestant Church, that, therefore, they had now a right to seize upon that property whenever they pleased, and deal with it as they pleased. Parliament had a right to see that the trusts for which the property was granted were performed, and might interfere for that purpose; but that principle could never justify the right of interference, not only as to the distribution, but as to the diversion of the property, for which the learned gentleman contended. The learned gentleman seemed very much embarrassed to determine the precise character of Church property. He seemed to labour under considerable difficulty in discovering a resemblance between the condition of clerical property and any other. At length out came the hon. gentleman's very original idea. A clergyman, he said, in respect of his property, was not like a layman—he was not like the inheritor of an entailed estate—but he was remarkably like a half-pay officer. Now, why he was like a half-pay officer the hon. and learned gentleman did not condescend to explain; but he must say, that, if wit consisted in finding an analogy between things apparently remote, this observation of the hon. member for Leeds was one of the wittiest things he had heard for a long time. But granted that a clergyman, in respect to his clerical income, was circumstanced like an officer in respect to his half-pay—granted, that there was no

wit, nothing but plain truth in the analogy—how did this help the learned gentleman's argument? Would he act by the officers on half-pay as he proposed to act by the Irish clergy? Would he venture to allege, that, because it was inconvenient to the general body of the people to maintain barracks, that therefore taxes to the amount of their maintenance should be abolished, and the deficiency made up out of the vote for half-pay? If any man, having a general knowledge of passing affairs, had been told that the House of Commons had been sitting and deliberating upon the Church of Ireland, he would naturally have imagined, considering the destitute condition of the clergy of that church, that the object of their deliberations was to provide some adequate relief for the sufferers. What would be his just surprise to learn that that was not the object, but that it was to endeavour to discover the best means of extracting a tax from the impoverished clergy of the church of Ireland? Many of that clergy had not for three years past received one shilling of the dues they were legally entitled to. This tax, then, if extorted at all, must be taken out of the first tardy incomes of the clergyman whose family was already reduced to beggary. What would remain for their bare subsistence? How much was wanted in all for the vestry-cess? Ought they not to be made acquainted with that fact? they had heard of great expectations from the sale of Bishops' lands. Would not the amount realised from that source be sufficient? The committee would see how important it was, that they should have some estimate of the sum required to enlighten the darkness they were in on the subject. The noble lord opposite (Lord Althorp) had told them that the measures of government last year for the collection of tithe had failed, and that it was their intention to come forward with others. And then, before the noble lord told them what were his new measures for the relief of the clergy, he called upon them to concur in a tax upon that very clergy. The preamble of the Irish Clergy Relief Act of last Session set forth the "existence of a conspiracy to prevent the collection of tithes, whereby the ordinary process of the law was of no avail," and that "it was expedient to devise some mode of relief for the clergy, who were then in a state of great suffering." The mode of relief was now explained—and it turned out to be a new tax. He felt the absurdity of multiplying arguments against the gross injustice of the noble lord's proposals. The duty of the house was first to ascertain if there was any income at all collected by the clergy for them to tax; next, to ascertain how much was wanted; and, lastly, to avoid interfering with existing interests. Last year, when the right hon. the Secretary for Ireland, used the words "extinction of tithes" in his resolutions, he (Sir Robert Peel) rose in his place and warned him of the consequences which had since ensued. Although the noble lord did not intend that these words, going forth from the lips of a minister of the Crown, amongst a credulous and excitable population, should be construed into their obvious meaning—namely, utter and unqualified extinction; yet to that phrase might be traced a great deal of the distress of the clergy of Ireland. The other night he had also cautioned his Majesty's government against the proviso inserted in the coercion bill, that the Lord-lieutenant should not proclaim any district because of the "non-payment of tithes." An illiterate peasant would naturally conclude that the meaning of the exemption was, that the legislature looked with jealousy upon the collection of tithes, and encouraged him in his passive resistance to them. He admitted, that for the sake of Protestantism in Ireland, the Church of Ireland should undergo revision. But it must be done deliberately. Their first task was to do their duty to the Church of Ireland. They might then see what property there was to tax. At present there was none. For his own part, he was bound to say, that he did not think the coronation oath an insuperable barrier to the King's giving his assent to a well-considered measure for the reformation of the Church of Ireland. He had been as active an opponent of the concessions to the Catholics as any one in parliament, but he had never relied upon the coronation oath as an obstacle to those concessions. He had never thought that that oath bound the King to maintain the Church and all its members, in possession of precisely every right and privilege which they might have possessed in 1688. It did bind him to consult all the essential interests of the Church, to provide to the utmost of his power for its security; but it left him a discretion to take the course, which, in his conscience, the King might believe best for those interests and that security. It was a disgraceful fact, that

the clergy of Ireland were now subsisting upon eleemosynary aid; and, if in such circumstances, the noble lord were to interfere with existing interests, he would establish a principle which would assuredly be afterwards visited upon other property. He hoped that before to-morrow the noble lord would consider this subject, and make some modification of his resolutions. He would appeal to all reformers upon this point, and he was sure they would not suffer the principle of Church Reform to be degraded and dishonoured by an act of paltry and unprofitable injustice.

Lord John Russell having replied, the first resolution was agreed to; the House resumed. Committee to sit again.

APRIL 2, 1833.

The House having gone into committee,—

Lord Althorp briefly proposed the second resolution.

SIR ROBERT PEEL said, he had last night made an appeal to the justice of the House, and if that appeal had been successful, the House would not be to blame in listening to it and doing justice. He hoped that the noble lord concurred in his views, that if the vestry-cess ought to be abolished, it ought not to be imposed on the present incumbents. If the noble lord concurred in that, he would ask him not to force the committee to come to a division. The noble lord said, that the removal of the cess was necessary, but he believed the noble lord had overrated the burthen. The noble lord stated it at £60,000; but let the noble lord enquire further, and he would find the exclusive vestry-cess did not amount to so much. Let the noble lord, too, above all, consider, that it was not necessary to pass the resolutions immediately. Perhaps, if the vestry-cess were abolished immediately, the noble lord could provide for it by a vote of public money. [Lord Althorp was understood to say across the table that he meant to do that for the present year.] Why, then, if the noble lord intended it, let him not hasten the question to decision—let him not make it a party dispute. He was ready to meet the noble lord half way. All he asked at present was, that the noble lord should grant them a short delay. Let the noble lord withdraw the resolutions and introduce them after the recess, and after an opportunity of fully considering the subject. He was ready to concede the principle, that the vestry-cess should be abolished, and a provision made for the charges which that cess was levied to defray out of the revenues of the Church. But he asked for delay, that the arrangement should be just as well as complete.

Lord Althorp said, as there would be many opportunities to amend the resolutions in a future stage, he hoped that no delay would then be interposed. The second resolution being a money resolution, must be again moved in a committee of the whole House. He believed that there was then an understanding between him and the right hon. gentleman that the amendment should not be moved. He proposed that they should assent to the resolutions, and that provision should be made hereafter, that those resolutions should not be carried further than the suggestion of the right hon. gentleman.

Sir Robert Peel hoped that the noble lord, as a minister of the Crown, would expressly admit, that all existing interests should be exempted. If that were the case, he was little inclined to stickle for forms, and should advise his hon. friends to permit the resolutions to pass, with the understanding that they should not be restricted in proposing any alterations in the bill they thought proper hereafter. It was most proper, in consenting to these resolutions, that they should take care that existing interests were not exposed to difficulties.

After a short discussion, the resolution was agreed to, and the House resumed.

COMMUTATION OF TITHES (ENGLAND).

APRIL 18, 1833.

Lord Althorp rose to submit to the House a measure for the Commutation of Tithes in England. The noble lord having, in an elaborate speech, explained the details of the measure by which the principle of commutation was to be carried into

effect, concluded by moving for leave to bring in a bill to effect a Commutation of Tithes in England.

SIR ROBERT PEEL said, he was by no means averse from a general plan for the commutation of tithes on any principle which could be considered equitable to all parties whose interests were concerned, and he saw nothing in the principles of the noble lord's measure which should make him oppose it. He could not, indeed, at once say, whether he should oppose or support the bill of the noble lord; for it frequently happened that a measure wore a very different complexion, when stated in all its particulars, from that which it assumed on its first announcement. His experience had sufficiently convinced him of that fact, as well as of the fact that the success of any such plan must depend entirely upon the details, which were not yet before the House. He, therefore, intended to reserve his opinions upon the subject until he should see the whole plan upon paper, when he should be able to say whether the scheme deserved to succeed, and whether it would be just in its operation with respect to the clergy. He had heard with great pleasure one remark of the hon. member for Middlesex, that an income of £300 a-year was not more than sufficient for a gentleman who had received an expensive education, and was required to perform the duties of a clergyman. He, therefore, hoped, that when they came to consider the bill with regard to the Irish clergy, he should have the concurrence of the hon. member for Middlesex, in a proposition for exempting all livings of £200 or £300 a-year from taxation; because if £300 a-year were not too much for an English clergyman, residing in a country where he was exposed to no risk, how much stronger were the reasons for exempting an Irish clergyman from any deductions from his annual income, when it was only of the same amount, considering that he lived in a country where he was exposed to so much greater risks? As for the alterations proposed by the hon. member for Middlesex, in order to simplify the system of tithes, he (Sir Robert Peel) preferred the plan of the noble lord, and was convinced, that any system of making the government the collector of tithes would be both expensive and less efficient than if it rested with the parochial authorities. At the same time, he was of opinion, that the success of any plan of this nature would mainly depend on its simplicity; and he was inclined to think that some part of the noble lord's plan might be advantageously modified. He did not exactly comprehend the reasons of the noble lord for proposing, that, after the lapse of a year, either the tithe-payer or the tithe-receiver should have it in his power, if the opposite party had taken no means for the commutation of the tithe, to enter into a compulsory arrangement; he thought, that the period was rather short, and that it would be much better that the arrangement should be voluntary on both sides. Considering the extent and complication of the change, he thought a year much too little. As to the part of the plan which proposed to make the commutation compulsory, at the instance either of the tithe-payer or the tithe-receiver, it was all very well with respect to the tithe-receiver, but if the noble lord persisted in extending it to the tithe-payer, it would give rise to a great deal of difficulty. Supposing, for instance, that there were forty tithe-payers, and only a few refused their consent to the commutation, it was easy to observe what a complicated system would arise, and how extensive a field for litigation would be opened. If one person out of forty were to oppose the introduction of the new system, did the noble lord intend that the thirty-nine should be compelled to retain the old system? There was another part of the noble lord's plan which appeared to him also to be liable to very considerable objections—that by which the tithe-receiver was to receive his tithe either in money or grain. It was to be left to the payer to determine in what species of grain he should pay it—whether oats, barley, or wheat, that was to say, whether fifty bushels of wheat, or a larger quantity of oats or barley. The noble lord would see how many questions, if this scheme were adopted, would arise respecting the value of the grain, and for determining whether the corn was of good quality or not. He would not venture to say that he had rightly understood the noble lord's meaning, but, as he conceived it, the plan would lead to these consequences.

Lord Althorp did not mean that the party should pay in kind, but a sum of money equal to the value of so many bushels of grain.

Sir Robert Peel: Then it was the noble lord's plan, that if the tithes were now worth 100 bushels of wheat, the land which paid them should be permanently

charged with the payment of the value of 100 bushels. He apprehended, therefore, that the tithe would be variable with the price of corn. He should think also that it would be preferable to send down a single valuator, instead of allowing the adverse parties each to choose one, because the expense would be extremely great. He thought one objection taken by the hon. member for Middlesex was valid—namely, that in parishes in which tithes had been previously exacted with rigour, the present rate being taken as the standard, more than was properly due might be given, while in others, where the incumbents had been more lenient, the Church would be deprived of its rights. He had, certainly, considerable doubts respecting the measure; but he intended to give no positive opinion at present. All he had to say was, let justice be done to all parties.

After a short discussion, leave was given to bring in the bill.

SUPPLY—THE BUDGET.

APRIL 19, 1833.

Lord Althorp moved the order of the day for the House to resolve itself into a Committee of Supply.

After enumerating the places and offices that were to be abolished, and the different items upon which the duty was to be wholly or partially rescinded, the noble lord concluded by stating, that though some hon. gentlemen would object to certain taxes being omitted, and some to others, he trusted the House, altogether, would be satisfied. He would not detain the committee any longer, but merely propose the Resolution:—"That it is the opinion of this committee that the duty payable on tithes shall henceforth cease and determine."

SIR ROBERT PEEL agreed in the remark of the noble lord that the duties of a Chancellor of the Exchequer were very unpopular, and that it was impossible to satisfy the hopes of all parties who claimed a reduction of taxation. The observation of the noble lord was perfectly just, and those who filled the situation which the noble lord now filled had heretofore generally found their opponents more disposed to aggravate the unpopularity by clamour against taxation, than to lessen it by acquiescing in the opinion that greater reductions were impossible. For his own part, he was not disposed to take that course, for he should have to avow opinions quite as unpopular as those avowed by the noble lord. He would not say that the noble lord had not gone far enough in the reduction of taxation; he was rather disposed to complain of the noble lord having carried reduction too far. It was dangerous to proceed with reduction to an extent which might affect our ability to keep faith with the public creditor. He thought it bad economy to reduce the surplus so far as to cut off all hope of that honest and legitimate diminution of the public burthens which we might affect by maintaining public credit, and enabling ourselves to reduce the interest of the public funds. The noble lord proposed a reduction of £1,056,000; and this, be it observed, was, on his own showing, not on an increasing, but on a falling revenue. The noble lord had shown that the revenue of 1832 was £46,618,016; in 1833, it was £46,852,650; but the estimate of 1834 was £46,494,128; making a falling off of not less than £356,000 as compared with that of 1833. The reduction then was of £1,056,000 on a falling revenue. Suppose the noble lord should be disappointed as to the amount of expenditure, and circumstances, which it was impossible to guard against, should arise (which God forbid) to render it necessary to increase the expenditure—the danger of extreme reduction would be proportionally increased. He, therefore, thought that the noble lord had carried his reductions to the fullest possible extent; and though he agreed with the noble lord that it was difficult at the present time to maintain a large surplus for the purpose of redeeming debt, yet he thought it most unwise not to have a surplus, of a moderate amount, available to meet an unforeseen increase of expenditure; and thus enable the government to avoid the great evil of creating fresh debt. A surplus of £516,000 was the very least that should be maintained. In the general view which the noble lord had taken of the subject he also entirely concurred. He thought the noble lord had acted wisely in maintaining the system of taxation as it stood at present. All attempts to

effect an extensive commutation of taxes, causing as it necessarily must, in the present artificial state of society, the unsettlement of capital, must be productive of great injury. Another system of taxation might be proved by reason *a priori* to be better than the present; but the present being established, and the habits and occupations of the people having accommodated themselves to it, it might, though abstractedly less perfect, be, on the whole, preferable to any substitute. He thought likewise that the noble lord had done well in not proposing an income or a property-tax. Nothing but a case of extreme necessity could justify parliament in subjecting the people of this country, in a time of peace, to the inquisitorial process which must be resorted to in order to render that impost productive; and to have recourse to such a machinery for the purpose of raising two or three per cent. would be most unwise. Such a tax was a great resource in time of necessity, and therefore he was unwilling, by establishing the offensive inquisition with which it must be accompanied, to create such an odium against it as might render it almost impracticable to resort to it in time of extreme necessity. The application of the tax to Ireland would be attended with extreme difficulty. He really believed that this circumstance formed the main obstacle to the establishment of the tax. It hardly could be contended, that if a property-tax were established, Ireland should be exempted from its operation. He wished to see Ireland as much favoured as possible consistently with justice; but to impose a property-tax upon England and Scotland, and to exempt Ireland from its operation, would, in his opinion, however unpopular that opinion might be, be exceedingly unjust. In England a property-tax would be applied in the way of commutation of other existing taxes, and might thus afford material relief, but Ireland did not afford the materials of a commutation, and the property-tax in Ireland would operate as a new and additional impost. The noble lord had therefore wisely abstained from agitating a question which could not be satisfactorily settled. With respect to a tax upon property, as distinguished from a tax upon income, he very much doubted whether it would promote the interests of the labouring classes, because it would diminish the funds at present appropriated to the encouragement of industry and the promotion of labour, and it would ultimately be found that the tax did not effect the person who paid it so much as the labourer, by diminishing his means of employment. He approved of the repeal of the tax upon raw cotton, which was imposed in 1831, for, though it might not hitherto have injuriously effected the cotton-manufacture of this country, though there was no evidence of incipient decay, yet irreparable injury might be done by improvident taxes on the raw materials of our great manufactures without our having any previous warning. A very slight premium given to a foreign rival might turn the current in his favour. At the time the additional tax was proposed by the noble lord, he had expressed his hope that it would speedily be repealed. On a former occasion he had observed, that after the reduction of the duty upon slates, the tax upon tiles should be one of the first taxes repealed by the House, because the former were used principally in the houses of the richer classes, and the latter in cottages and farm-houses. However unpopular it might be to say so, he must confess he thought the noble lord had done right in not taking off the duty upon newspapers. The reduction of the taxes which had been selected would afford greater relief to the community than the remission of the duty upon newspapers. He saw no proof that newspapers were labouring and panting under the duty. Free discussion was not checked by it. Useful and amusing information was at present supplied to the people by several societies, without, as far as he knew, any violation of the existing law. Besides, the remission of the duty, and the subjection of newspapers to postage, would operate as a bonus to the inhabitants of the metropolis, who, from the circumstances of their residing at the fountain head of knowledge, and being congregated in great masses, were already in advance of the rest of the community, whilst persons who lived in the country, and were further removed from the sources of information, would have to pay a heavy tax upon its conveyance, increasing in proportion to the distance of that conveyance, and, therefore, in proportion probably to the disadvantages under which they at present laboured. If he understood the noble lord's proposition with respect to the house and window-duty, it was this, that no duty should be paid upon windows which were used for the purposes of trade, and that the abatement of the house-duty, should follow the scale of the reduction of the duty

on windows—that was to say, the greater the number of windows employed for shop purposes the greater would be the remission, not only of window but of house-duty. He feared that this would operate as a great encouragement to fraud. If the noble lord could deal with shops as they now stood, and remit the tax upon windows *bona fide* appropriated to shop purposes, he would have no objection to such a proposition; but he apprehended that advantage would be taken of the proffered indulgence to bring windows not *bona fide* required for shop purposes within the terms of the exemption, and by that means obtain a double remission. He had no doubt that if the noble lord's proposition should be adopted as he had stated it to the House, it would give rise to much expensive litigation. For instance, it was proposed to exempt the windows in show-rooms. But what constituted a show-room? He knew what it was at present, but he feared that it would be impossible to define it accurately when a double pecuniary advantage would result from appropriating rooms to the purposes of exhibition. That, however, was a matter of detail, and he would not longer dwell upon it at that moment. On the whole he was well pleased with the noble lord's statement. The doubt which chiefly pressed upon his mind was as to whether the noble lord had not gone too far in the way of reduction. It was better to avow that opinion at once; he cared little whether it was popular or not, but he believed that the interests of the country peculiarly required a frank expression of opinion on subjects which were not popular. If remission were to take place, he was glad that the noble lord had applied himself to the reduction of the taxes which pressed upon productive industry generally, rather than to those which affected a particular class. From the reduction of the duty on soap he anticipated very beneficial effects; for nothing conduced more to sobriety and to the encouragement of domestic habits among the lower classes than a pride in cleanliness, and the means of commanding it. On the whole the reduction of taxation had been carried, if not too far, at least as far as was possible, consistently with the maintenance of public credit.

In reply to Mr. O'Connell, who deprecated the merriment that had been excited in the House by the allusion, in the speech of the right hon. baronet, to Irish property and a property-tax in Ireland,—

Sir Robert Peel protested against the unfairness of the hon. and learned member representing those persons who had occasion to speak of Ireland, as speaking of that country in a tone of derision and insult. It was quite clear that the hon. and learned gentleman was not speaking for the audience he was addressing, but was directing his observations elsewhere. When he spoke of the introduction of a property-tax into England, and of the difficulty of enforcing it in Ireland, he appealed to the House whether he had used or insinuated one disrespectful expression towards that country? He ought to be, and certainly would be, the last man in that House to do so. It would be bad taste in any man to taunt Ireland with her poverty or her sufferings; but it was worse taste still to attribute to any hon. member, because gentlemen happened to smile in the progress of debate, a desire to taunt or insult Ireland or Irish feelings. He was glad he had this opportunity of setting himself right on the subject; and he would venture to assure the hon. and learned member that such a course of proceeding was altogether unworthy of his talents and acquirements, and ought not to be persevered in. Besides, it was likely he was afraid to be most mischievous to represent to the people of Ireland that Englishmen were anxious to ridicule and insult them, when nothing could be further from the fact.

Mr. O'Connell again replied, and several other members having taken part in the debate,—

The resolution was agreed to; and the House adjourned.

STATE OF THE COUNTRY—MONETARY SYSTEM.

APRIL 22, 1833.

Mr. Attwood rose to bring forward a motion relative to the state of the country. The hon. gentleman then went into a review of the distress existing throughout the kingdom, which he attributed to the change which had been made in our monetary

system, and concluded by moving, "That a Committee be appointed to enquire into the state of general distress, difficulty, and embarrassment, which now presses on the various orders of the community; how far the same has been occasioned by the operation of our present monetary system; and to consider of the effects produced by that system upon the agriculture, manufacture, and commerce, of the United Kingdom, and upon the condition of the industrious and productive classes."

Lord Althorp, after criticising the speech of Mr. Attwood, stated, that he could not conceive any calamity to the country greater than the adoption of the motion of the hon. member; he would, therefore, propose as an amendment, "That it is the opinion of this House, that any alteration in the monetary system of the country, which would have the effect of lowering the standard of value, would be highly inexpedient."

A long and animated discussion ensued; rising after Mr. Baring, who announced his intention of supporting the amendment of the noble lord,—

SIR ROBERT PEEL said—Although, Sir, I believe that I shall agree with my hon. friend (Mr. Baring) in the practical conclusion to which I shall come, and the vote I shall give on the present question; yet he propounded, in the course of his speech, some doctrines which excite in my mind so much doubt and apprehension, that I feel no scruple as to the propriety of immediately following him in the course of debate. I must begin by observing, that as my hon. friend is prepared to maintain the opinions expressed in the concluding part of his speech, it would have been but just and becoming in him to have abstained from those terms of contemptuous severity applied in the commencement of that speech to those with whom the present motion originated. My hon. friend, although prepared rigidly to adhere to the metallic standard, is yet willing to admit of, nay, to advise an enquiry into, three very important alterations in the established monetary system: first, the union of silver with gold as a joint standard of value; secondly, permission to every country banker to offer as a legal tender Bank of England notes in exchange for his own promissory notes; and thirdly, to sanction the re-issue of £1 and £2 notes. If my hon. friend be really prepared to grant a Committee of enquiry into the policy of three such important and extensive alterations as these, he surely must foresee that his own course will, in great measure, cause that state of suspense—will raise all those doubts in commercial dealings, which, in the first part of his speech, he urged as a main obstacle and impediment in the way of his assenting to the motion of the hon. member for Whitehaven. The re-issue of £1 and £2 notes! Why, Sir, I never felt confidence in predicting the result of any political measure, greater than that which I feel in predicting what must be the consequence of permitting the re-issue of £1 and £2 notes. That consequence will inevitably be, the disappearance of the gold currency from circulation. I do not rely on mere reasoning for the proof of this, but I refer to the example of every country in which small notes have been allowed to circulate. In Scotland you have £1 and £2 notes; such notes being nominally, and indeed practically, when tendered by the holders, convertible into coin; but it is, nevertheless, true that they have, in point of fact, excluded from circulation the whole of the metallic currency. In Ireland you have also £1 and £2 notes, and the same consequence has followed. In America there are, or at least there were permitted, notes of still smaller value, and the result has been the same, not only with respect to gold coin, but to silver also. The currency of the cheaper, has banished that of the more precious material. So it will be in England. By permitting the issue of small notes, you will afford a direct premium to the country banker to discourage, as far as possible, the circulation of coin in his neighbourhood. No one can deny, that whilst the small notes maintain their credit, they are a cheaper instrument of circulation, and one not less efficacious than gold; and that it would be a positive pecuniary advantage to the country to get rid of the gold currency altogether, if you could ensure entire and permanent confidence in paper and the fixed value of it, after the exclusion of gold. But I contend that there is no security in an immense mass of paper circulation, professedly convertible into gold—but not resting for its basis upon a metallic circulation. You think you can take effectual precautions against panics, commercial or political, by insisting on security from the issuers of paper. There can, in truth, be no effectual security against such panics and their disastrous effects. The best security is the presence of a metallic currency equally

diffused throughout the country. But take what precautions you please to ensure the solvency of country banks—compel them, if you will, to deposit exchequer bills, or funded property, or to assign land as a security for their issues—I assert, you do positively nothing by these precautions to control the excessive issue of paper, or to ensure the competency of these banks, in the time of pressure and alarm, to fulfil their engagements; which engagements are, expressly—to pay a definite weight of gold in exchange for their promissory notes. You consider the banks safe, and the holders of bank-notes secure, provided the notes are issued on the security and deposit of real capital. Why, this reasoning would prove that the whole landed and funded property of the country might be converted into circulating medium, and that there would be no danger of excess in the issue, however extravagant, so long as there was a corresponding deposit of property. Now, in my opinion, such a deposit may be the guarantee of the ultimate solvency of a particular bank in a sound state of the currency; but it is no guarantee whatever that that bank will be able to pay its notes in gold on demand, after gold shall have been banished from circulation. Depend upon it, the time will shortly come when the demand will be made; and if made and refused, what is this but inability to meet engagements, and fulfil positive contracts? I admit, that by the re-issue of small notes, you may give a stimulus, a fictitious stimulus, to trade;—all may go on well for several months; gold, being no longer indispensable for domestic circulation, will flow out of the country for the purpose of effecting foreign payments—the importation of foreign articles will for a time be promoted, the export of the gold will at first counteract the tendency to an unfavourable exchange, or at least diminish the indications of it, and you will, in short, have every symptom of increasing prosperity; but in the course of eighteen months or two years, the currency will become excessive; the exchanges will rapidly fall; there will be a demand upon the bank for gold;—the bank will take the alarm, will refuse accommodation, and contract its issues:—the demand for gold will extend to all the issuers of paper, then will come the rapid and simultaneous sale of public securities, and the renewal of that panic and all its consequences, of which you had the disastrous experience in the winter of 1825. The bank may remain solvent in one sense, that is, may have means beyond its liabilities; but it will be unable to meet its obligations to impatient creditors, who demand instant payment in gold. What must be the result? Actual failure, or a restriction imposed by authority.

With respect to my hon. friend's proposition for a joint gold and silver standard, it has been already submitted to this House, and has been negatived, among other reasons, because its direct tendency, and indeed avowed object, was to lower the standard of value.

Mr. Baring: One word in explanation. I have always contended, that, on the adoption of a gold and silver standard, it must be so regulated as not to lower the general value of the pound sterling.

Sir Robert Peel: Then my hon. friend must take the present market-price of silver, and not the old mint price, for the standard. The market-price of silver is now, I believe, 4s. 11d. per ounce; the mint price of silver, when silver was a legal tender, was 5s. 2d. per ounce. If my hon. friend should take the mint price of silver for the standard of value, he would depreciate the present standard; if he should take the market-price, he will not adhere to the ancient standard. That the same great principles which apply to gold as a standard of value, in respect to its controlling excessive issues, and regulating the value of paper, apply equally to silver, or to a joint standard of gold and silver, I do not deny; but there are many considerations, such, for instance, as whether silver ever was, practically, the standard of value in this country, after the gold currency was reformed; whether you can maintain, in the same country, two metals constantly varying in their relative value, as a standard; whether it would be desirable to maintain them if you could;—these are considerations which would require very serious enquiry, but into which I will not now enter.

The third suggestion of my hon. friend is, that every country banker shall, hereafter, be allowed to offer Bank of England notes in exchange for his own notes, when presented for payment. But it is impossible to stop there. If a Bank of England note is to be a legal tender on the part of a country banker, so must it be on the part of every other man in the country. Will my hon. friend say, that his proposition is

to be limited to country bankers? That the issuers of paper shall have the special exclusive privilege of discharging their debts in other paper? That a customer who has deposited gold with a country banker, and who asks to have that gold returned, may receive for answer—"We have no gold for you, but here is a Bank of England note;" while that same customer shall remain under the obligation of discharging all his own debts and incumbrances in standard gold? But, suppose the customer shall draw a draft upon the country banker for £4 10s., or, wanting 100 sovereigns, shall draw on successive days twenty drafts for sums below £5, how are these drafts to be paid except in gold, unless indeed my hon. friend's other plan of issuing £1 notes shall have been already adopted? It is clear that the issue of notes below £5 must be the concomitant of a plan which would make Bank of England paper a legal tender, and would relieve the country banker from the liability to payments in cash. But these are great changes to make in our monetary system; so great and important, indeed, that I must again say, that if a committee were granted to consider them, there would arise all that agitation and suspense in pecuniary dealings, which my hon. friend is the first to deprecate, and which, as he justly says, would, in the present artificial state of society, and the peculiar condition of the commercial classes, aggravate every evil under which we are now said to be suffering.

The House, Sir, will probably expect from me, or at least will not be surprised, that I should wish to state my views upon the principal points which are the immediate subject of debate. Such references have been made to the part I personally took, in 1819, in establishing the present system of our currency; the importance of the subject is so great; the interest I feel in it on every ground, public and private, is so overwhelming; that wearied as the House must be by a debate, dull and tedious from the abstruse and abstract nature of its subject, I yet hope from its indulgence a patient hearing. No doubt the most important part of the question is, the practical one—namely, the consideration of what can be done in the present condition of society for the purpose of relieving the distress alleged to exist; but still I cannot permit to pass without remark, the references which have been made to the Act of 1819. I might pass by those references if personal feelings were alone concerned. I might submit, in silence, to the imputations of rashness and folly, if the consequence was mere injustice to the authors of the measure; but I well know that such injustice is not the single consequence; that if, without contradiction, you can stigmatize the Act of 1819 as an Act of confiscation—if you may take for granted that, though possibly well intended, it was in fact founded on injustice and injury—I well know that you cannot do this without undermining the foundations of the whole monetary system, and preparing for its total subversion. To avert such an evil, I am prepared to deny the justice of the aspersions cast upon the measure of 1819. Gentlemen who have taken part in this debate, speak of the promoters of that Act as if they were repentant sinners, as if they acknowledged the evil which they had done, and, made wise by experience, bitterly lamented the consequences of their folly. I scorn those vile imputations of base, interested motives which have been thrown out in other places. I know that they will not influence the judgment of this House. I have heard none of them within these walls. I would to God that I had; and that those men who are bold enough, when they have no one present to confute them—who are not sparing of their calumnies and menaces when they are addressing inflammable assemblies of the people—would here, face to face, in presence of the accused, redeem their pledges and repeat their accusations.

An hon. gentleman, the member for Knarborough, with intentions, at least, for which I return him my sincere thanks, has been kind enough to throw his protecting shield over me. He said, "The bill of 1819 was not Mr. Peel's bill. Oh, no! he was an ingenuous young man, ignorant of the subject of currency, performing a task thrown upon him by the ministers, and all the blame belongs to Lord Liverpool." Sir, I will not allow the blame, if there be blame, to be transferred to any one, still less to one who is no more. I was not, in 1819, connected with the government. I had quitted office, and had no desire to return to it; but I was the chairman of the committee of enquiry, and I brought in the Act of 1819 in consequence of a conviction, founded on positive demonstration, that there could be no standard of value except a definite weight of the precious metals, and that a paper circulation, incon-

vertible, or resting on any thing but a metallic basis, must be liable to injurious fluctuations both in amount and value, and exposed to the constant hazard of discredit. In 1819, the question came before the House for final decision. In my opinion, that question was, the choice between two alternatives—eternal bank restriction, or the return to cash payments without further delay. Gentlemen now speak as if no evils had been suffered before 1819. They assume that the Act of 1819 was brought in without experience of past embarrassment, without the pressure of any actual evil, without any expectation or demand on the part of the public; and the hon. member for Knarborough is simple enough to think, that the House of Commons was, on a sudden, deluded by a speech which the hon. gentleman himself heard, and which he describes as void of all matter—of all reasoning—but which very strongly reminded him of the harp of Orpheus. The harp of Orpheus! Does the hon. gentleman really think that Orpheus would have chosen, for the subject of his lyre, the bullion report? or that, having chosen it, and having poured forth a melody with soft tones, but “without matter” or the “shadow of an argument,” he would have been able to cajole the simple understandings of city merchants, and to soften the flinty hearts of bank directors?

Mulcentemque Tigres, et agentem carmine quercus.

What a notion, that the House of Commons was taken by surprise on the currency question in the year 1819! that the restoration of the metallic standard was heard of, for the first time, in 1819! Why, the bullion report had been made in 1810—that is, nine years before, and had provoked a pamphlet from almost every man that could write. When Mr. Horner proposed, in 1811, among other resolutions, that cash payments should be resumed within two years of that date, that resolution was negatived, and other resolutions proposed by Mr. Vansittart were adopted. But did these latter resolutions sanction the doctrine, that cash payments must never be resumed? Did they intimate that the public creditor must be repaid in depreciated currency? No such thing. Among these resolutions of Mr. Vansittart, was one, expressly recording it as the opinion of the House, that it was expedient that, at the earliest period compatible with the public safety, the Bank should resume its payments in coin at the ancient standard of value. Peace arrived in 1814; and what course did parliament pursue? It distinctly recognised the justice of resuming cash payments. It recognised the claim of the public creditor to repayment in coin, and limited the further restriction on the Bank to one year. In 1815, war again broke out, and the battle of Waterloo was fought. The restriction was continued; but was again limited to one year. The year 1816 came, and it was found necessary to continue the restriction for a further period of two years; but in the preamble of the continuing bill, there was admitted, by universal consent, a distinct recognition that the Bank ought to prepare for the immediate resumption of cash payments; 1818 arrived, and there was again an almost unanimous expression of opinion in parliament, that the time had arrived when the ancient standard must be restored, no one then doubting the claims of the public creditor, in point of justice, or denying the general policy of returning to cash payments. Another postponement, however, took place, limited to a year; but, in 1819, the House became weary of these continued delays, and a committee was appointed, mainly on the suggestion, and at the instance of Mr. Tierney, to enquire into the whole subject, and the best mode of insuring the resumption of cash payments. As I have already said, I was not in office, but I was selected as chairman of that committee, and I presented its report to the House. The substance of it was, that at the end of four years from its date, cash payments, according to the ancient standard, must be resumed; but that the resumption should be effected by gradual steps, assuming the actual market-price of gold, at the time, as the preparatory and provisional standard. I ask the House this question—if cash payments were ever to be resumed, had not the time then arrived? Four years had elapsed since the peace, when the enquiry was commenced; and if we had then deferred the actual resumption to a later period than 1823—that is, for more than eight years after the conclusion of peace—do you think it ever would have taken place at all? that the Bank, or the public would have believed that we were in earnest? I greatly doubt whether the old doctrines about paper and gold are not still maintained—whether there are not many of those whom

I am now addressing, who dream of inconvertible paper, or of some other foundation for paper currency than a metallic basis. [No, no!] I rejoice to hear the denial; but this I know, that many of the arguments urged by those who vote for the committee, apply with as much force to the adoption of any determinate, unvarying metallic standard, as to the ancient standard.

I have now done with the assertion, that the House was taken by surprise by the Act of 1819. I approach another assertion—that although, in 1819, it might be fit to prepare for cash payments, yet that another standard of value should have been adopted, and that the ounce of gold should have been coined into £5 or £6, or some other sum, instead of £3 : 17 : 10. That is easy wisdom—even if in this case it be wisdom—which is acquired after the event. It is very well to say now—that the ancient standard should not have been resumed—that after all the promises made during the war—after the unanimous expressions of opinion, repeated, time after time, in favour of the resumption of cash payments at the ancient standard—another and a lower standard should have been taken; but I should like to ask any impartial man, who remembers the state of public feeling and public opinion in 1819, what would have been the fate of a proposition, in that year, to enable the Bank to discharge its promissory notes at the rate of 15s. in the pound? What! with the feeling on the subject of the forgery of notes—with the impression that the Bank had amassed great gains by means of the Bank restriction—that the nominal rise in the price of gold, was owing to excessive and most profitable issues of paper, do you think that parliament would have tolerated—would have listened for one moment to—the proposal, that the issuers of the Bank of England paper, and of all other paper, should compound with their creditors, by debasing the standard? Who was the minister that could have reconciled parliament, or the people of this country, to such a proposal? Why, the Bank itself never denied its own liability to pay its notes, at some time or other, in gold, at the ancient standard. Nay, the Bank did actually, of its own accord—without any compulsion on the part of parliament—after the peace, but before this fatal year, 1819, issue above 7,000,000 of gold sovereigns in exchange for its promissory notes. A foolish issue I admit; but an issue demonstrating the opinion of the Bank, as to the nature of its own obligations, and yet, in 1819, we were—against the opinions, and conviction, and practice of the Bank itself—to enable the Bank to pay with 15s. a debt of 20s.!

If the Act of 1819 was so clearly unjust—so manifestly impolitic—how came it, that of all those who now take credit for their wisdom and foresight, not one man was found, in either House of Parliament, bold enough or honest enough to take the sense of either House against the bill, or against any one of its enactments? The member for Coventry did, indeed, bring forward resolutions opposed, not to the principles of mine, but to some of the details; but he found the sense of the House so adverse to him, that he withdrew his resolutions; and those moved by me, as the foundation of the bill, passed through the House of Commons, as it stands recorded in the *Parliamentary Debates*, without one dissentient voice. Is it decent, then, in the men who were then present, to impute all the subsequent distress of the country to the rashness and haste of the measure of 1819—and to me, as the author of it—when they who now claim credit for having so clearly foreseen the difficulties in which it would involve us, never came forward to oppose its principles, or even delay its progress? But I have understated the case. There were two amendments proposed to the measure—one in this House, and one in the House of Lords. That proposed to this House affirmed that there ought to be no intermediate steps of resumption, and that cash payments at the ancient standard should be resumed in 1822, instead of 1823; actually a year earlier than I myself proposed. That was the only amendment proposed in this House, and pressed to a division. The amendment proposed in the other House of Parliament was by Lord Holland, who, for the purpose of recording his opinion, moved that cash payments be resumed in 1820, instead of 1823. Have I not, then, a right to say (if I wanted to shrink from any personal responsibility, which I do not), since the only complaint put on record by any member was, that the resumption was too gradual, and too remote,—have I not a right to say, that parliament is peculiarly and specially responsible for the Act of 1819?

I approach the last, and the most important consideration connected with the measure of 1819: namely, this—Is the distress of the country fairly attributable in the

whole, or in any important degree, to that measure? I think I have shown, first, that parliament was not taken by surprise;—secondly, that the measure was not the measure of an individual, or of a party, or of a government; but was the measure of the parliament, speaking the voice, and representing the deliberate judgment, of the country. Still, these considerations are not to fetter us from reviewing the measure, if it have been the cause of public evil, and if that evil be now reparable; but both these hypotheses must be proved. Now, I begin by admitting that there has been great depression of price, great occasional distress—from some cause or other—since the peace. Nay, more, I will admit that some distress was the inevitable consequence of the measure of resumption. Resumption implied the termination of that state of ease, which no doubt, in one sense, accompanied inconvertible paper—it ensured also, inevitably, some increase in the value of the currency of the country, and *pro tanto* affected the then existing engagements. But to attribute the whole depression of prices, and the whole distress consequent on that depression, to the change in the currency, is a fallacy as gross as any that ever was imposed upon the understandings of men. You may contend that Mr. Ricardo was wrong in estimating the whole change in the value of the currency at three or four per cent.; but his error (if it was an error) was nothing to yours, who attribute the whole alteration in prices to the change in the currency. I have admitted—and repeat—that it was impossible for us to return from a system of inconvertible paper-currency to a system where gold or silver was the standard, without a sense of pressure and restraint. It was impossible, after having so long indulged in stimulants, that we could return to a course of temperance and sobriety without feeling depression. But what lesson is it that we are taught by the past? Again to depreciate the currency? [No!] “These things are written for your learning.” The sufferings that you now undergo are the certain consequences of the original departure from right principles. They cannot be alleviated: they will only be aggravated by abandoning those principles now. They ought to warn you, that, having restored a metallic standard, you ought to adhere to it, and not again to enter upon a course, the return from which is no doubt attended with pressure and difficulty, but with no evil comparable to that of the indefinite continuance of an inconvertible paper-currency.

No doubt there has been a great depression of prices; but this I say, that if any man hopes, by any system of currency, to bolster up prices to those of the war, he is miserably mistaken. Look at the duration and character of that war, commencing in 1793, and lasting till 1815. During this period of twenty-two years you had an inconvertible paper currency—you monopolized the whole supply of Europe with manufactured articles—you were the only country in Europe not subject to hostile invasion—and you had the command of the seas. Do you think such a state of things could cease, and perfect tranquillity be restored to the whole world—and that you could yet maintain the prices of the war?

My hon. friend quotes Mr. Thornton as having admitted that prices had been raised during the war forty or fifty per cent.; but Mr. Thornton was then speaking of the years 1810 and 1811, when the war was raging, and when all the other causes of high prices were in full vigour. Now, in 1819, four years after the peace, many of these causes had ceased to operate; prices had already come down; and our bloated and turgid prosperity had collapsed with the return to peace, and the cessation of war monopoly and war stimulants. We hear the distress since 1819 described in terms as if distress was unknown at previous periods—as if there could be no cause of distress but the resumption of cash payments. In the year 1793, was there no distress? Did not 100 bankers fail? Was there none in 1797? Was there no distress in 1810, when you had an inconvertible paper-currency, and with little prospect of the return to a metallic standard? In that year a committee was appointed for the express purpose of administering relief to the commercial community. It was in evidence before that committee that prices had fallen fifty, sixty, and seventy per cent. Wherefore was this—if the doctrine be true that inconvertible paper, or enlarged issues of paper, will be a security against commercial failure and general pecuniary embarrassment? You had an inconvertible paper-currency in the years 1816 and 1817—you had no contraction of paper by the Bank of England in those years, as compared with the average of former years—quite the reverse; and yet many country bankers failed,

and involved large masses of the community in misery. The proof is quite conclusive, that the enhancement of the currency must be dated from a much earlier period than from the year 1819. I could prove this from the distinct admissions of those who now ask for this committee, which, if it is to have any practical result at all, must lead to a depreciation of the currency. What will be the effect of that depreciation? Why, that every man who has entered into contracts (not merely during the last four or five, but, as I shall show, during the last eighteen years) will have them disturbed in the most unexpected and unjust manner. If, indeed, you could take from the public creditor, who lent money in the depreciated currency of the war, and who has received payment in the appreciated currency of the peace, the difference between the sums paid and received (though you would commit, in my opinion, a most dishonest act), there would be, at any rate, an intelligible pretext for the proceeding. But the effect of depreciating the currency now, will have no such operation, but it will disturb all unfulfilled contracts which have been made in the improved currency—being ninety-nine out of every 100 of the total number. These contracts, as I before said, are not limited to recent years; do not date merely from 1823, when the bill of 1819 came into full operation; but extend over, at least, the whole period that has elapsed since the peace. To prove this, I put into the witness-box the hon. member for Birmingham. He will confirm my statement, that the enhancement of the currency began many years before 1819. On the 2nd of May, 1817, he wrote a letter to Mr. Vansittart, describing the state of the country in respect to its monetary system in connexion with trade and industry. This was two years before 1819, and six years before the Act which passed in that year came into full operation. At that time there was no lack of paper; and that paper was inconvertible. Notes below £5 were issued by all banks, without restriction. Yet you will see that neither abundance of paper, nor inconvertible paper, nor £1 and £2 notes, were any securities against pecuniary embarrassment and general distress. But the special object for which I refer to this letter is, to show on authority (for this purpose indisputable), that the alterations in the value of money had actually taken place long before 1819; and that the contracts since 1815 have been in an enhanced currency. The hon. member, in his letter of 1817, remarks, "money has doubled in value in the last five years." He says again,—"A scarcity of money has existed for five years, which caused prices to fall."

Now, as to distress:—"There are 40,000 manufacturers of nails in this neighbourhood. The articles which they manufacture are not articles for the consumption of war, and yet thousands of these men are perishing with hunger. Sir, I speak literally, and not figuratively—thousands of these men are perishing with hunger, or are dying by inches from the effects of unwholesome and unusual food."

As to land and the agricultural interest:—"The landlords have received no rent for the last four years. If they have received any income from their land, it has been drawn from the capital of the farmer, or from the impoverishment of their land, or, at least, from the amount of the principal of their land, which is fallen one-half in monied value; and, consequently, the landlord who converted his property into money a few years ago, has thereby possibly doubled his real capital."

Let us now hear the situation of the monied man in 1817:—"Observe the situation of the capitalist for the last three or four years. It has been quite impossible for him to improve his circumstances by any kind of industry. The depression of prices has mocked his labours and mortified his hopes. Let him have produced whatever he will, it is quite certain that the product of his industry has not repaid him the money which it cost him. If an invading army could have succeeded in breaking up the whole of the high-roads throughout the kingdom, the consequences would have been exactly similar to those which we have already experienced, until such roads were restored."

"The products of industry could no longer have been exchanged for each other, and the natives of every district and of every village would have been left to perish in the midst of plenty. This has been the situation of England, in a very great measure, ever since the bullion report first acted in breaking up the established relations between property and money in the year 1810. The contractive action then commenced: and ever since then, until the present period, in a greater or less degree, there has been a greater reward in indolence than in industry."

What are the facts established by these extracts, on the authority of the member for Birmingham? That, before the Act of 1819 was dreamt of, the contraction in the currency had taken place; that it commenced five years before he wrote, in 1817; and that, in 1817, money was doubled in value; that, in his neighbourhood, such was the condition of the working classes, that thousands of one single class—namely, manufacturers of nails—were, not figuratively—oh, no—"I speak literally, not figuratively"—perishing with hunger, or dying by inches, of unwholesome food. Bear in mind these two things—that the contraction began seven years before "Peel's Bill" was introduced, and that money was doubled in value; and all this bitter distress was endured, with inconvertible paper, and £1 and £2 notes. But, perhaps, during the period of which the member for Birmingham was speaking, the Bank of England had been progressively contracting its circulation. By no means. The Bank issues had increased regularly and rapidly from 1806 to 1817. Their amount on a given day in each year—namely, the 31st of March, was as follows:—in 1806, 16,853,000; in 1807, 16,657,000; in 1808, 16,645,000; in 1809, 17,840,000; in 1810, 20,442,000; in 1811, 23,333,000; in 1812, 23,332,000; in 1813, 24,000,000; in 1814, 25,157,000; in 1815, 27,298,000; in 1816, 26,573,000; in 1817, 27,138,000.

At particular periods of these years, there may have been fluctuations in the amount of bank-notes; and there were, in 1816 and 1817, rapid contractions of the currency. You refer to these contractions and their consequences as confirmations of your theory—that distress is the consequence of restricted currency. We do not deny, that distress will follow sudden contractions of the currency; but we assert that such contractions are the inevitable consequences, the necessary and painful correctives, of excessive issues. We admit that, by depreciating the currency, you may be able to obtain higher prices for a time—to command a delusive and temporary prosperity—but we say, that the foundations, both of your currency and your prosperity, are sure to fail you; and that, in proportion to the artificial elevation, will be the severity of the fall. You attribute the distress of 1810, and 1816, and 1825, merely to the contraction of paper, and consider that distress a proof that increased issues would be the remedy. We assert, and in my opinion with much more truth, that the excessive issues are themselves the primary cause of the evil; and, while they seem the symptoms of prosperity, are but generating the causes of certain and tremendous explosion. What was the remedy proposed by the member for Birmingham in 1817? What was his device for enlarging the circulation—and, of course, ensuring the re-establishment of prosperity? He writes thus—"The most ready and facilitous way of effecting this object, in a country like England, seems to be in converting a part of the permanent and fixed national debt into a circulating or floating debt; by creating a quantity of circulating exchequer-bills of various sizes, bearing no interest, and with them buying up an equal quantity of the national debt. If £10,000,000 of additional money are created in this way, there is no additional debt contracted, nor is there any additional depreciation of money occasioned, provided the issue is not carried further than will suffice to employ the whole labourers of the kingdom, at the usual wages to which they have been accustomed."

What an admirable system of currency! that rests for its security upon debt, and has for its standard of value "the accustomed wages of all classes of labourers throughout the whole United Kingdom."

I shall now address myself to the immediate question of the appointment of a select committee—the nature of its enquiries—and their probable result. The resolution moved by the member for Whitehaven assumes the fact of universal distress; and proposes an enquiry into the connexion of that distress with the present monetary system. If this committee shall be unfortunately appointed, and I should be a member of it, I shall—(and if I am not, I hope that some one, who is a member of it, will)—address the committee to this effect—"We admit a great fall of prices since the war—we admit that the profits of capital are low;—but nothing will be so absurd as to assume, without the most extensive enquiry, that the change in the currency has been the sole or the main cause of that depression of price and reduction of profits. There are many causes to be investigated that lie very deep, and the effect of which is not easily ascertained; you cannot make a report until you have surveyed the condition of the country for the last thirty-nine years—until you have enquired into the peculiar character and effect of that war which frequently gave

you almost a monopoly of the markets of the world—into the effect of the stimulus of war prices, and a large government expenditure—and into the consequences of the cessation of that stimulus. If you are about to take an enlarged and philosophical view of the subject, you must ascertain what has been the effect of eighteen years of uninterrupted peace in reducing the prices of manufactured articles throughout the civilized world; in converting those nations which were your customers in time of war, into rivals and competitors in time of peace!" Why, Sir, does England hope that she can retain for ever that monopoly of supply which she enjoyed during war, when she had destroyed every hostile fleet—when the commercial marine of every other country was at her mercy—when every nation of Europe, except herself,—when Spain, and Portugal, and Germany, and Italy, and Prussia, and Belgium, and Holland, had been exposed to, and were constantly menaced by, hostile invasion from the arms of France? In all these countries industry has revived. They are now at liberty to turn their attention and apply their capital to the supply of many of their wants by means of their own peaceful labour. Does England hope to maintain war prices despite of such competition? Look at the state of manufacturing industry in America and in the countries which I have mentioned, and then consider what influence these causes must have had in reducing the prices of your manufactured articles. Take, again, the influence of other causes, which must, and which ought to, reduce prices here:—the diminished hazard, both of import and export—the reduction of the rates of marine insurance—but, above all, the diminished cost of the raw materials, which are the staple of your manufactures. You buy every thing at a less price, and you must sell at a less price. Is it meant that you should pay a much lower price for the raw material, and charge the old price for the manufactured article? Then you must enquire what has been the effect upon prices, of improvements in machinery;—what the effect of the application of steam, in diminishing both the cost of production and the cost of carriage. Can any one doubt that the influence of all these several causes upon prices and upon profits, must be ascertained before you can determine the degree to which they have been affected by the resumption of payments in cash? Again, with respect to land,—I admit that land has fallen; but does any landlord hope to maintain, since the war, the war prices? During the war, an undue stimulus and excitement were given to agricultural speculation; land was then brought into cultivation which would not adequately repay the cost of cultivation after peace had been established. No man regrets more deeply than myself the consequences to individuals of throwing that land out of cultivation; but the depreciation of the standard will afford no remedy. Here, again, many other causes—besides the increased value of money—are in operation. What has been the effect of Irish importations upon English prices, and on the profits of English agriculture?—of a perfectly free trade in corn with Ireland? Whatever it has been, it is not owing to the bill of 1819; it would have existed separately from that bill. The moment you opened the English markets to Irish produce, from that moment the prices of English produce must have fallen. Again, the operation of the poor-laws, and of their defective administration, must be enquired into; and, I repeat, you will not be worthy of the name of legislators and statesmen, if, having undertaken this enquiry, you do not attempt, at least, to assign to each of the several causes which I have mentioned, its effect in producing the fall of prices, and the distress of any particular branch of industry.

It is scarcely worth referring to the mere declamation by which the act of 1819 has been assailed. It is not only described as the source of every domestic calamity, but it is made chargeable with the misfortunes of other nations. Nay, so extensive has been its operation, that one hon. gentleman has discovered that the revolution of France, in 1830, was not owing to the *Ordonnances* of July,—but that to the act of 1819 we are to attribute the downfall of the dynasty of the Bourbons; and that Louis Philippe now sits on a tottering throne, because he cannot command high prices for the productions of France. The hon. member for Whitehaven wisely considers it much better, as a general rule, to deal in vague declamation, and to turn eloquent periods upon "devouring poverty and appalling distress," than to venture on any specific facts. Facts and figures are dangerous things to meddle with, unless they can be relied on; but they are very important on questions of this nature. Prophecies of evil are easily uttered—and can only be met by counter-prophecies—

as worthless as themselves. But the hon. member did make an occasional exception from the general rule of his speech, and appealed to facts. He said, "I take Ireland as my example; I will prove every thing by figures; and whatever I say of Ireland will be true, as applied to England." The hon. gentleman first assumes that Irish disturbances were unknown before the year 1819. His position is this. All Irish disturbances grow out of controversies and quarrels about land; and the depression of the price of agricultural produce, in consequence of a restricted currency, is the main cause both of the distress and the insurrectionary violence in Ireland. Now I meet this assertion by these facts. In 1807, during the war, when prices were high, and when currency was unrestricted, such was the disposition to disturbance in Ireland, that the insurrection act was introduced, and remained in force for several successive years. It was allowed to expire; but was introduced again in 1814; and again remained in force for a considerable period. I will not go to earlier periods.

I turn now to the picture given by the hon gentleman of the state of Ireland, in respect to agricultural produce. I took down his words; they were to this effect:—"The cattle have vanished from the fields—the plough is no longer at work—no manure is purchased—land is going out of cultivation—agricultural produce is declining in quantity—and there is universal distress throughout the country." Observe, we are not now discussing whether the profits of agricultural produce are appropriated exactly as we should wish. Some Irish member probably will say, "The poor of Ireland derive no benefit from the increased produce, the profits are all taken away by absentees." But that is not the question. We are not enquiring to whom these profits ought to go—we are not determining whether the relation of landlord and tenant be in a healthful and satisfactory state—but whether agriculture be declining in Ireland, because capital cannot be properly applied to the cultivation of the soil.

Now, I have here an account of the annual average quantities of certain articles of agricultural produce exported to Great Britain in triennial periods, ending, respectively, 5th January, 1810, 1820, 1826, and 1830:—

In the period ending 1810, there were exported, on an average,

OXEN.	SHEEP.	SWINE.
19,376	10,203	9,830

In that ending 1826, the numbers were,

OXEN.	SHEEP.	SWINE.
57,395	62,819	73,912
WHEAT. Qrs.		OATS & OATMEAL. Qrs.
In 1810	61,097	673,895
1826	375,781	
1830	525,619	1,697,509

Now, I ask with confidence, after this statement of facts, what becomes of the assertion, that, in Ireland, cattle have vanished from the fields—that the plough is idle—that the land is left without manure—and that production is rapidly on the decline? The hon. gentleman then referred to the progress of crime in England; and here again he can find no other cause for the increase of crime, but the bill of 1819, and the contracted currency. I pass by, of course, the eloquent declamation on the evil of increasing crime. I find it utterly impossible to deny, that where criminals increase, morality is probably on the decline; or to contest the fact, that hardened criminals are dangerous members of society, whose numbers ought, if possible, to be reduced. We are all agreed upon these truths; but the point at issue is this:—Has the increase of crime varied inversely with the increase of paper; and can you fairly charge, on the restoration of the standard, the additional number of criminal committals? Here, again, I refer to the only authentic data—the official returns. They prove that, during the war, and since the war, there has been an increase of crime; but they warrant a presumption that there must have been other causes of that increase in operation, besides contractions in the currency. The committals for crime in England and Wales were as follows, in the several years I shall mention:—In 1811, 5,337; in 1813, 7,164; in 1815, 7,818; in 1816, 9,191;

in 1818, 13,567; in 1820, 13,710; in 1821, 13,115; in 1822, 12,241; in 1823, 12,263; in 1825, 14,437.

Now, of these years, the hon. gentleman has mentioned two in splendid contrast to all others—years when paper was abundant—when there was a full demand for labour—when prices and profits were high. The years were 1818 and 1825. Now, surely, according to the theory of the hon. gentleman, crime ought to have diminished in those years. But what was the fact? Why, that, in 1818, the criminal committals were more numerous than in any preceding year, with one exception; and that, in the year 1825, they were more numerous than in any preceding year, without a single exception. Now, I have no theory on this subject. I do not maintain that crime increased because paper issues increased; but I doubt the soundness of the hon. gentleman's theory—at least, I altogether deny his facts, that crime decreased as paper issues were extended. I am well aware of the rejoinder to these statements. "We have no confidence in official documents: they may be fabricated, and, at any rate, they are utterly unworthy of credit, if they be referred to, to disprove the distress which we know to exist." But, surely, our enquiry turns not upon cases of local distress; but upon the general condition of the country; and how can he form any judgment of that condition, except by a reference to official returns, to the general aggregate of the varied transactions of the whole country? It was just in this spirit that the member for one of the ridings of Yorkshire made an attempt to answer the able and unanswerable speech of the vice-president of the board of trade.

The right hon. gentleman justly observed, that in order to ascertain whether the people be really suffering under distress of a character such as that which has been represented, you must not take particular instances of individual or local distress, and thence infer their general existence; but you must look at official documents to ascertain the increased or decreased amount of comfort at different periods, as exhibited in the consumption of articles of general use. Now, what were the individual cases which the hon. gentleman, the member for the North Riding of Yorkshire, offered, to refute the reasoning of the vice-president of the board of trade? He selected three places in order to prove, from the distress there prevailing, the general suffering of the country; and the three fair criteria which he assumed were Oldham and the districts near it, Macclesfield and Whitby. Admirable selections for the purpose! The first is a district in which there are probably more hand-loom weavers than in any other, and was therefore wisely selected as affording instances of individual distress. Macclesfield, it is well known, has been greatly injured by the establishment of the silk manufacture in Manchester. The greater amount of capital, and the larger command over labour and improved machinery which Lancashire possesses, must necessarily render it a very formidable competitor with other places, and Macclesfield among the rest. The rapid progress of civilisation, and the development of mechanical skill, have, I fear, a tendency to produce cases of local distress, by attracting manufacturing industry from places where it has heretofore flourished to more favoured spots; but these vicissitudes (lamentable as their effects are in particular cases) may be indications of general prosperity and improvement, rather than of general suffering and decline. And Whitby, too! True—we gave it a member last year; but then we all admitted it to be in a declining state, from the local operation of some causes which had led to a transfer of its trade.

Sir, I consider by far the most important consideration connected with this question to be, its bearing upon the condition of the labouring classes. One of the main motives for introducing the Act of 1819, arose from a deep conviction that a constantly depreciating standard was working the ruin of those classes. I was satisfied by evidence and by reasoning, that when you depreciate the standard, the prices of the necessities of life rise much faster than the wages of labour; and I was convinced that one of the main causes of the gradually declining condition of the industrious classes arose from depreciated paper currency. A constant effort is now made to impress upon those classes a belief that their distress has arisen from the restriction on paper; but I hope they are beginning to understand the true nature of the question; I, too, make my appeal to them. If you can enlist them on your side, no doubt you will have an important ally; if you can convince them that the restoration of inconvertible paper, or a recurrence to a depreciated standard, will be for their advantage,—if, in addresses to political unions, you can successfully denounce those

who are favourable to the maintenance of the standard as enemies to the labouring classes,—you will, no doubt, materially advance the object you have in view. But I appeal confidently to the industrious classes of society. I tell them, their true friends are they who resist a depreciation of the standard, and who maintain the payment of their wages in money of the present value, from the conviction that if that value be lowered, the price of necessities will increase much more rapidly than the pay of labour. The most affecting statements have been made of the condition of certain classes of the manufacturers. One hon. gentleman in particular, the member for Oldham (Mr. Fielden), gave a detailed account of their state in that district with which he is more immediately connected. Sir, it is impossible to deny that that is a district in which there exists severe distress. It contains a large body of that particular description of manufacturers who used to gain a livelihood by working at the hand-loom. I know something of their condition, and am ready to admit that it is one deeply to be lamented. The hon. gentleman who made this statement, says, that he employs 3,000 power-loom, and that nothing would make him more miserable than the reflection, that by the use of that machinery he had contributed to the distress of the hand-loom weavers. Then, Sir, the hon. member must make up his mind to be miserable; for nothing is more true than that the sudden improvement and universal use of machinery, and especially of the power-loom, have had a considerable effect upon the condition of those who lived by manual weaving. The hon. gentleman says that the power-loom has been known many years. Why, so was steam-navigation known before it was applied; but it is only within a few years that the power-loom has been brought into almost universal use. The hand-loom weaver (I speak of some parts of Lancashire with which I am acquainted) was frequently a small farmer who resided at a distance from a town, cultivating a small portion of land for the subsistence of his family, and earning a part of his livelihood by working at the hand-loom. When the power-loom was brought into use, that man was placed in a situation of peculiar disadvantage; for hand-loom weaving could not compete with that of the power-loom, and the main spring of his industry was broken. But this is only another instance in which the application of mechanical ingenuity and capital to the perfection of machinery, and the progress of social improvement, have, by the rapidity of their effects, depressed a particular class. It is, surely, absurd to argue from that depression, that the whole country is in a declining state. But I ask whether the hon. gentleman has given the truth, and the whole truth, with respect to the condition of Oldham?

I have before me the account of the poor-law commissioners, and it is certainly much at variance with that of the hon. gentleman. I have seen, too, a letter, which appeared in the public papers, written from Oldham—the letter, apparently, of a writer whose information is extensive and authentic—giving an account of the demand for labour generally, and its remuneration in that parish. The writer signs himself “An Elector of Oldham,” and writes thus:—

“Perhaps no town in Britain has increased in a greater ratio than Oldham; none where fortunes have been accumulated with greater rapidity; nor is there any town where, taken collectively, the working classes are more comfortable in their circumstances, or obtain a better remuneration for their labour. Distress, from particular circumstances, does exist in Oldham, and one main cause of it is the great influx of labourers and artisans from neighbourhoods not enjoying the same prosperity and advantages that Oldham possesses. Another cause, and that a principal one, is the circumstance of the power-loom supplanting the hand-loom, or, in other words, the hand-loom weaver is contending with the power-loom in producing an article at as cheap a rate. The weavers are, however, finding by sad experience that this is the case, and, as fast as circumstances will allow, are quitting their original trade and adopting others. This class of men (taking them as a body, a very exemplary and worthy one) are many of them in a very destitute situation; few of them can earn more than from 5*s.* to 7*s.* per week. Science may sometimes, as it does in this instance, destroy capital and abridge labour; but it is to reproduce it, not only with an immense increase, but with a great additional advantage and comfort to society at large. The regular wages paid here to those whose occupation is generally considered as receiving the minimum of remuneration—the labourers—is 2*s.* 6*d.* to 3*s.* per day. Bricksetters’ labourers are paid 2*s.* 8*d.* per day, with an allowance of

three pints of beer per day. Bricksetters 3s. to 3s. 6d., with the same allowance of beer; and if either labourers or setters work what are termed 'over-hours,' that is, before seven o'clock in the morning, or after six in the evening, such time is always paid for in the same proportion; so that a labourer may obtain 3s. 4d. per day, and setters 3s. 9d. to 4s. 4d. Joiners, masons, carpenters, slaters, and other artisans, generally, are paid not less than bricksetters, with the same allowance of beer. That these prices are paid throughout the borough, I could bring hundreds of witnesses to prove. Hats were formerly the staple trade of Oldham, but of late years have been greatly superseded in extent by that gigantic branch of commerce—the cotton trade. The hatters, as a body, are fairly paid, some branches of the trade extravagantly, and all tolerably well employed. In the cotton-mills, the men's wages are from 15s. to 30s.; women and children's, from 2s. 3d. to 8s. or 10s. Although the population of the township of Oldham has increased from 16,690 in the year 1811, to 32,381 in the year 1831, still the amount of poor-rates levied is no more in the pound than it was at the former period; and in the years 1816 and 1817, they were nearly double the present amount. In the year ending March, 1832, there was levied in England for poor-rates, £8,255,315 12s., out of which there was expended for the relief of the poor, £6,731,131 10s.; consequently the amount of relief, taking the population at 13,086,675, would be 10s. 3½d. per head, averaging the whole of England. The amount paid the poor in Oldham in the last year, was £3,313 13s. 7d., or averaging 2s. 0½d. per head; thus showing, that if the amount expended in relieving the poor is any criterion of the situation of the working classes, Oldham stands but at one-fifth proportion when put in comparison with the rest of England. Since the time of the panic, in the years 1825 and 1826, a period in which many towns have been retrograding, there has been expended in public improvements (and we have no corporation, or any thing like it, to promote such expenses), upwards of £100,000."

This statement is exactly confirmed by the report of the commissioners. They say that Oldham has, at a former period, suffered, from causes which they mention, considerable distress; but that, with the exception of the hand-loom weavers, it is in an improving and prosperous condition. The failure of a bank in the neighbourhood, after the panic of 1825, was one of the main causes of the distress in Oldham; and it is because the permission again to issue £1 and £2 notes would lead to the same circumstances which produced that failure, that I now pause before I consent to a proposal for their re-issue.

Sir, I have made it an object of care to enquire what is the condition of artisans in the midland districts; and I have here an account of the rate of wages paid at present in the several towns in Litchfield, Coventry, Birmingham, and other places, to the following descriptions of workmen: carpenters, masons, bricklayers, plumbers, plasterers, and painters. I take Birmingham; in that town they are as follows:—

	s.	d.	s.	d.
Carpenters	from 3	4	to 4	2
Masons	3	6	4	0
Bricklayers	3	4	3	10
Bricklayers' labourers.....	2	2	2	6
Plasterers	3	4	4	0
Painters	3	6	6	0
Plumbers	4	0	5	0

The rate of wages in other towns varies but little from the above. Some small reduction must be made from this amount of wages in the case of carpenters, masons, and bricklayers, on account of the expense of tools which they have to provide; but the rate of wages appears ample to ensure, with present prices, a decent and comfortable maintenance for the workman and his family. What is the object of this motion—the object distinctly, and in terms avowed by the member for the North Riding of Yorkshire (Mr. Cayley)? To raise prices? no doubt that is the intention, and will be the effect of it. How can any one doubt that the workman who now earns wages of from 3s. 6d. to 4s. a-day, has a much greater command over the necessaries and comforts of life than he would have, were you to increase the currency, and raise the prices of provisions and all other articles? I believe it to be a

fact established by official papers, and returns of the quantities of articles of general use consumed, that the condition of the labouring classes is greatly improved since the period when we had an inconvertible, unrestricted, paper-currency. If you compare the consumption of hops, of malt, of tea and coffee, at different periods, you will find that the industrious classes have now a much greater command of those necessities of life than they had before. If the fact be so, I call on you, as you value the true interests of the people, to pause before you lend your sanction to any scheme, the avowed purpose of which is, to increase the price of the necessities of life.

If this committee be appointed, when will its labours terminate? It is not a committee to adjust the details of some plan, on the principle of which those who support the committee are agreed, but a committee without a plan, and the members of which entertain principles the most conflicting. Let us survey the course of the debate, and see whether, among the advocates of enquiry (I say nothing of the opposers, of whom, I suppose, some portion will be on the committee), there is the uniformity of general views—that we may expect from their labours any early remedy for our distress. The hon. gentleman who spoke first, the author of the motion, was wise enough to produce no plan—to avoid the suggestion of any specific remedy. He complained, indeed, that the monetary system was manifestly defective; for the population had increased—the produce had increased—but we had tied down the standard, and prevented its increase. The hon. gentleman might just as well complain that “roads have increased—new countries have been discovered—but, alas! the yard and the mile remain of the same length as before.” We hear of an “antiquated standard;” as if the standard had got decrepid through age. You might as well say that the pound weight, or the quart measure, was too antiquated for present use. A definite weight of metal is as much a standard, a measure of value, as either the one or the other. If the hon. gentleman does not mean the standard, but the amount of currency, he is totally in error in supposing that the currency cannot vary in amount—cannot accommodate itself to the growing wants of the people—because the standard is invariable. Every improvement in the economical use of money is a variation in the amount of the currency; and the hon. gentleman’s objection, if it be worth anything, is fatal to any standard at all. The hon. gentleman, however, contented himself with the attempt to show that the present system is chargeable with every imaginable evil; but, as I before said, he wisely abstained from the suggestion of any remedy.

He was followed by the member for Oldham (Mr. Cobbett), who was ready to agree with him in his vote, but totally abjured his principles. I must say, that I never was more disappointed than by the speech of the member for Oldham. He began by claiming peculiar indulgence for himself, on account of his profound study of the whole subject, and because no man ever made a speech upon it, containing right principles, which was not borrowed from him. “The noble lord,” he says, “made a good speech; but, then, it was all copied from me.” I think I may assure the hon. member, that he need not entertain any fears of plagiarism in respect to the speeches which he delivers in this House. I have heard nothing from him, on any occasion, for which he may not reckon on a copyright which will never be infringed. So little did his observations refer to the question before us, that while he was engaged in their delivery, an ingenious young member, who entered the House at the time, enquired from me “whether the currency question was over?” I said “No; this is the currency question.” He replied, “I thought, from his speech, that it was the navy estimates.” All that the hon. member could produce on this question of the currency was, the notes of an old speech he had intended to make on the navy estimates. The hon. member wants no depreciation of the standard—he will have no issue of paper—(“rotten paper”—I fear he said in the hearing of the hon. member for Birmingham). “Oh, no, give me,” he says, “the King’s coin, with the King’s image upon it.” There is something so amiable in his loyalty, that one would forgive his errors, even if he be wrong. Still he consents to go into the committee, the object of which is to depreciate the standard; and all the remedy he proposes for all our distresses, and all our evils, is to cut down every estimate, and every expense, to the level of 1792. “And yet,” says the hon. member, “England ought to assume a high tone, and till poor Pitt was corrupted by the Whigs, she did assume a high tone; Spain and France were not allowed to have navies, and they ought not

to be allowed to have navies."—But how we are to maintain this high tone, and control the naval force of Europe, with the Estimates of 1792, the hon. member did not clearly show. I should like to ask him how would he deal with the possessions that have been acquired since 1792—with the Cape of Good Hope, and Malta, and the Mauritius? The hon. gentleman says, that we had a most successful war; that we annihilated the naval force of all our enemies:—and yet he is surprised that we have more admirals at the end of that war than we had at its commencement! This gentleman was the second speaker in favour of the motion; the third was the member for Knarborough, who says, that the plan of the hon. member for Oldham (of course one of his colleagues in the committee) is a plan of confiscation, rapine, and blood. His remedy was the total abolition of coin, and the payment of bank-notes in bars of gold. The fourth speaker was the hon. member for Wolverhampton. He says, maintain the standard, but throw every burthen on the land; the land had, he observed, escaped every charge, and it was but right that it should be made responsible now, for the national debt. Then came the hon. member for the North Riding of Yorkshire. His remedy, we know, is a rise of prices.

The hon. gentleman, the member for Birmingham, has not yet spoken; I know not whether he still adheres to the plan which he recommended in 1817, for an unlimited depreciation of the standard, and whether he still maintains the proposition which he then maintained, that you always ought to take the market-price of bullion as the criterion of value, and that you might go on issuing bank-notes, and raising that market-price, even until you made the guinea pass for £100 or £200, without causing injury to any one—except, possibly, the public annuitant, who should take care of himself, or of whom the government might take care. [Mr. Attwood: Provided you raised prices to the war level only.] I believe there was no such qualification; but if there was, it makes no difference. Now, perhaps, it might be right to add to the committee some opponents of these six or seven gentlemen; but send even them, alone, into a committee, with the opinions they entertain, to consider this question—to examine all the other questions which I have mentioned—and I should like to ask what probability there would be of any practical remedy? You find a patient labouring under every disease; and for his cure, you send for physicians entertaining totally opposite opinions on his case. Sangrado is summoned from Oldham, and Chuchillo from Birmingham. But what will be the condition of the patient meanwhile? Why, he will be utterly neglected, while the enraged doctors are debating about their principles, and cuffing each other.

Will the country believe that the real object of the committee is any other than a depreciation of the standard? What will be the consequence on commercial transactions? Will any man sell an estate? If there be a prospect that, in two months, the sovereign will pass for 25s., will not every man get the sovereign as soon as he can? If you send it forth to the world that you will have a vague enquiry, which will probably end in depreciation, the consequence, the inevitable consequence, will be ruin to every debtor—to the class you intend to benefit. All debts that can be exacted without delay, will be—and justly; for the debt, if contracted within the last eighteen years, was contracted in the improved currency. Every man who enforces the payment of such debts due to him, will have not only law, but equity and honesty on his side. What will be the condition of the banks which have undertaken to discharge their promissory notes in gold, and to receive deposits of gold from their customers? Will not the depositors demand their deposits, and the holders of the notes press for payment, without delay? Again, will any man advance £20,000 in sovereigns on a mortgage, when he is certain of being repaid in a depreciated currency? The question at issue is not depreciation or no depreciation. The vice-president of the board of trade, in so describing it, has stated it too unfavourably for his own argument; the question is, whether depreciation shall be ultimately effected after a tedious protracted enquiry? That is quite a different question from sudden depreciation. Such depreciation is bad enough, but, as the result of a lingering enquiry, it would be the greatest curse that was ever inflicted. What is the country suffering under? I believe it to be suffering partly from the agitation connected with the political excitement of recent times, partly from a state of doubt and suspense as to the final settlement of great questions affecting our commercial policy. The Bank Charter is still under consideration, the East and West India questions

are not yet arranged; if to these causes of restlessness you are going to superadd doubts as to the standard—if this be your remedy for calming the excitement that prevails, and mitigating the doubt and suspense that hang upon other unsettled questions—for God's sake close your doors, and depart to your homes; for your sittings here will throw chaos into worse confusion.

Sir, I shall now conclude. The subject is far from exhausted—but there are limits to the patience of the House. Before I sit down, let me make an earnest appeal to those whom I address, to weigh well the consequences of the vote they may give. If they foresee, that injustice will be done by the unsettlement of the contracts of twenty years—that confusion will arise—that commercial dealings will be paralyzed by doubts as to the future value of the currency; above all, if they see cause to apprehend that the wages of labour will not rise in any corresponding ratio with the rise of prices, and that, therefore, the condition of the labourer will be depressed—let them reject the plausible appeal, “that distress ought to be enquired into,” and refuse to do a great public wrong, though it be covered with a specious veil. I say, respectfully, but firmly, that this is the manly course—this, the true fulfilment of a high and sacred trust. Doubtless, much consideration is due to the feelings and wishes of your constituents. To them you owe—as was truly said by that illustrious man, who, in comprehensive and philosophical views of all public affairs, and of the great principles of social government, surpassed all the statesmen who preceded him, or who have followed—as much as some of them may have exceeded him, in the practical application of official knowledge and experience—“to them you owe,” says Mr. Burke, “the sacrifice of your time, and your pleasures, and your repose. But to them you do not owe the sacrifice, in the weightiest matters, of your mature and conscientious judgment.” “That judgment is not their property, and you abandon the first duties, if, in deference to the wishes, you consent to sacrifice the interests of your constituents.”

For what is it, Sir, that we are sent here? For what is it that we are placed on the mountain top, but that we may embrace a wider horizon within our view, and penetrate further than the house upon the plain, through the mists and darkness which hang upon the future. Perform your duty—show that you are not engaged in a mere “scuffling local agency,”—that you are fit to be intrusted with the destinies of an empire; and you will find your reward—my belief is, in the applause of your constituents—but, unquestionably, in the approbation of your own consciences. If you suffer, you will suffer in a noble cause, and you will be repaid with ample interest of honour and reputation, for any temporary loss of popular favour. Read the controversy between Mr. Burke and his constituents in 1780, and judge of your reward by your own admiration of the rejected candidate. They told him, “that his impolitic stubbornness would cost him his seat.” If you hear the same language, be prepared with his dignified reply—

“I wished to be a member of parliament, to have my share of doing good and resisting evil.” “I deceive myself most grossly, if I would not much rather pass the remainder of my life hidden in the recesses of the deepest obscurity, feeding my mind even with the visions and imaginations of such things, than to be placed on the most splendid throne of the universe, tantalized with a denial of the practice of all which can make the greatest situation any other than the greatest curse.”

He stood before his constituents accused of no venality—of no neglect of duty—of no sacrifice of their interests to his ambition, or to their own hasty and inconsiderate views. The accusation against him was, that he had preferred to their wishes the dictates of his own humane, deliberate, enlightened judgment, and the true interests of the constituents themselves. Follow his example, and you may truly say with him, if you are obnoxious to a similar charge—“In every accident which may happen through life—in pain, in sorrow, in depression and distress—I will call to mind this accusation, and be comforted.”

But my conviction is, that a different fate is reserved for you—that juster views are now taken of the duties which you are called upon to fulfil, and that the true way to secure the applause and lasting confidence of your constituents, is to claim, for yourselves and for them, the right to abide, in high matters like this, by the dictates of your own deliberate conviction.

Several other members having addressed the House, Lord Althorp's resolution

was then put, upon which Mr. Attwood moved, as an amendment, to add the words, "and that a select committee be appointed, which, having regard to this opinion, shall enquire into the general distress existing among the industrious classes of the community, and into the most effectual means of its relief."

Lord Althorp said that, although he might not object to have the resolution of the hon. gentleman agreed to, for the appointment of a committee to enquire into the distress of the country generally, he must object to any alteration being made in his amendment.

Sir Robert Peel thought, that the new proposition of the hon. member for Whitehaven was so important, that it ought to be reserved for a separate and distinct motion, and brought forward at an earlier hour, in order that its discussion might be fully and fairly entered into. He undoubtedly felt unwilling to venture, at that late hour, to state his view of a matter so important; and therefore he hoped that, even should the House be predisposed to agree in the hon. gentleman's new proposition, they would not, at all events, prejudice the question by a hasty decision: for they should recollect that the functions of the committee of enquiry described in the hon. gentleman's resolutions differed in no one particular from a committee of the whole House. The subject was, in fact, an enquiry into the state of the country generally, and that was a matter of such vast importance, that it belonged only to a committee of the whole House, and could not be delegated to any other or separate body. In common justice, even if they had the power, they ought not to substitute a private committee for the established course of such enquiries; but, whether they were ready to assent to or deny the proposition, he hoped they would not act with precipitation.

On the question, that the amendment moved by Mr. Attwood be added to Lord Althorp's resolution, the House divided: Ayes, 134; Noes, 271—Majority, 137.

The question was then put upon Lord Althorp's resolution: Ayes, 304; Noes, 49—Majority in favour of the resolution, 255.

ELECTIONS BY BALLOT.

APRIL 25, 1833.

In the debate arising out of Mr. Grote's motion, "That it is expedient that the votes at elections for members of parliament be taken by way of ballot."

SIR ROBERT PEEL said, that though the hon. and learned member for Dublin (Mr. O'Connell) had not made a long speech, yet, as it was well known, that he had paid much attention to the subject, his powerful mind would have suggested stronger arguments in favour of the question before them, if stronger were to be urged. He (Sir Robert Peel) would briefly review the reasoning of the hon. and learned gentleman in favour of the vote by ballot, confident that the learned gentleman had omitted nothing which could really be relied on as an argument in its behalf. One of the effects which the learned member expected from the ballot was, that it would put an end to canvassing. Did the learned gentleman consider that as an improvement? Did he think it an improvement, that, after a man had been toiling for years in the service of his constituents, that they should receive him with a dead languor and apathy, or that he should return among them with the same feeling? Did he consider it an improvement, that a member should not have an opportunity of explaining his conduct to his constituents, or of asking them for a renewal of their confidence? For his own part, far from thinking that an improvement, he should consider it to be destructive of one of the strongest links between the represented and their representatives—one of the best securities for an honest discharge of their respective trusts. It would debar the constituents from a personal acquaintance with their representatives, and it would deprive the representative of the opportunity of mixing with the humbler classes of his constituents, of ascertaining their wants and wishes, and asking their support upon public grounds. If a man of wealth, station, and character, were thus relieved from the necessity of canvassing; in other words, of all personal and individual communication with his constituents—if he was only to appear before them on a stated day, amid all the confusion of a public

ceremony, he for one should consider this boasted effect of the ballot as any thing but a recommendation. The hon. and learned member had admitted, that the ballot was nothing without secrecy. Now, he doubted whether it was possible to prevent the public functionaries employed in the elections from knowing how a man voted, and thus obtaining a great degree of influence over many men who would dread that the manner in which they voted should be known. These functionaries would, in fact, become intolerable petty tyrants. In order that secrecy should be maintained, the machinery must be so complete, that the functionaries should remain as ignorant of the nature of a man's vote as any other person. All would allow, that if vote by ballot were introduced, secrecy was indispensable to any chance of its successful operation. But did the hon. and learned member think that the voters themselves would permanently conceal their votes? Could they, in the course of gossip with their neighbours, conceal them. Was it possible that a man could conceal it from his wife? Where then was the secrecy? But suppose the secret inviolably kept—that never, in any moment of conviviality, or friendship—of confidential intercourse with a friend or relative, did the voter at a contested election divulge the vote he gave; what an abominable system must that be, under which persons could not discuss with their nearest connexions, how they had fulfilled, or meant to fulfil, a public trust! Could it be expected that men, in their private societies, in their families, in their clubs, at the market, were not to mention that which was probably uppermost in the minds of all. If strict silence were to be observed, vote by ballot would do more than put an end to public canvass; it would stop public discussion. The hon. and learned member said, that under the present system landlords could be tyrants; but did the system which he had advocated not lay the tenantry open to a greater degree of tyranny? Would not the landlords, supposing their power to remain the same, and secrecy to be impracticable, wreak a double vengeance upon those who both disobeyed and deceived them? The hon. and learned gentleman said, that the ballot would prevent bribery; but if the disposition to bribe and to be bribed existed, it would have ingenuity enough to defeat their paper regulations against it. The learned gentleman said, even if you failed in preventing bribery, you would have done no harm—the law would be inoperative—but no mischief would have been done. But he must contend, that every inoperative law was in itself mischievous. No clubs would be formed, and a more systematic and more extensive system of bribery would be carried on. It threw discredit upon the law to legislate only to fail. If vote by ballot was only a delusive security against bribery, it was worse than no security at all, for it would prevent other and more effectual precautions. The hon. and learned member had spoken of the delight of seeing a landlord with his tenantry encompassing him, and going to give their votes in his favour, from a real and conscientious preference, founded on gratitude and respect. If the sight were so delightful, why deprive them of it? He objected to the ballot, because it would make that House more democratic that it was already, and he thought it democratic enough. He said so openly. He did not wish to conceal that he thought the House of Commons as democratic as was consistent with the principles of the constitution, and with the maintenance of the just authority and undoubted privileges of the other branches of the legislature. It had been said, that the ballot would destroy the influence of property. He would confidently assert, that if the influence of property in elections were destroyed, the security of all property, and the stability of all government, would be destroyed with it. It was surely absurd to say, that a man with ten thousands pounds a year should not have more influence over the legislature of the country, than a man of ten pounds a year. Yet each was only entitled to a single vote. How could this injustice, this glaring inequality, be practically redressed, excepting by the exercise of influence? How could the government end but in a democracy, if the influence were merely according to numbers? An additional reason for opposing the motion of the hon. members was, that after the change made in the electoral system last year, another not less extensive change in the system was most unwise. What! Was there never to be any fixedness in the electoral system? Were they to have no opportunity of judging the effect of the change already made? Until there was strong proof of some practical defect in the system as it at present stood, he should object to a change. By a continual series of experiments on the institutions of government, they were depriving themselves of one of the main stays of govern-

ment, one of the chief sources of legitimate power—respect for, and attachment to, that which is established, and upon that ground alone he would oppose the motion. He thought universal suffrage more plausible than vote by ballot. But if they were to admit vote by ballot, it would only be the prelude to further demands; and there was nothing to hinder any member to come forward the following day to ask them to adopt universal suffrage, or any other plan which might be popular. There was no system which had not plausible arguments in favour of its adoption, and certainly the theoretical arguments in favour of universal suffrage were at least as strong as those in favour of the ballot. There were arguments in favour of extending the franchise to women, to which it was no easy matter to find any logical answer. Other and more important duties were intrusted to women; women were allowed to hold property, to vote on many occasions in right of that property—nay, a woman might inherit the Throne, and perform all the functions of the first office of the state; why should they not vote for a member of parliament? He objected to the motion on another ground—namely, that many had been induced to yield their consent to the change effected in the electoral system of the country last year, under a clear understanding that it was to have a fair trial. He would take leave to tell hon. members, that they would do more good to the country, and be more useful representatives for their constituents, if they devoted some of the time consumed in discussions on the form of government under which they were to live, in reading the report of the poor-law commissioners, in considering the facts, and in applying themselves to remedy some of the practical and growing evils which it brought to light. On these grounds, and believing that it was necessary for the welfare of the country, that the state of excitement and desire for change, in which the people were, should be allayed, he would vote against the motion of the hon. member for London. So far from thinking that the ballot would work well, he was of opinion that—though, in quiet times, it might do no harm—yet in times of excitement, when the public mind was agitated and inflamed, if a parliament were elected, it would be any thing but a fair representation of the real and sober feelings of the country, and might do irretrievable injury. He concluded by expressing a hope, that the House would do nothing to change the constituency as established by the Reform Act, till they had had a fair trial of its efficiency.

Mr. Grote briefly replied, and the House divided: Ayes, 106; Noes, 211; Majority against the motion, 105.

HOUSE AND WINDOW TAXES.

APRIL 30, 1833.

Sir John Key, in a somewhat lengthy speech, introduced this subject to the notice of the House. The hon. gentleman, after describing the peculiar hardships inflicted on the industrious classes by these obnoxious imposts, concluded by moving, "That such portion of the assessed taxes as related to the House and Window-tax be repealed."

Mr. Alderman Wood seconded the motion; and at the same time entreated the House to persevere in the reduction of the Malt-duty.

Lord Althorp moved, as an amendment, "That the deficiency in the revenue, which would be occasioned by a reduction of the tax on malt to 10s. the quarter, and by the repeal of the tax on houses and windows, could only be supplied by the substitution of a general tax on property and income, and an extensive change in our whole financial system, which would at present be inexpedient."

Mr. Hume, Mr. Cobbett, Mr. Sergeant Spankie, Mr. Robinson, and Mr. Spring Rice, having addressed the House,—

SIR ROBERT PEEL rose to state shortly the grounds on which he should give his vote. Although the subject opened up a discussion on the agricultural, commercial, and financial policy of the country, he should direct his attention chiefly to financial considerations. When he looked at the present state of our finances, and at the necessity of maintaining public credit—and when he found, after reductions in the expenditure, and after providing for the public service, there only remained an

available surplus to meet every possible contingency which might arise of £500,000; when he found that £500,000 was calculated on a small increase of the revenue of last year, and that the establishments of the present year were but little lower than those of the last year, the question he had to consider was, how could further reductions of revenue be made consistently with keeping faith with the public creditor? He could not think it either expedient or just, under such circumstances, to repeal £5,000,000 of additional taxes. It was true, that the repeal of the house and window-taxes was not necessarily connected with the repeal of the half of the malt-duty; but there was no gentleman who heard him who would not admit, that, under the present circumstances, there was practically such a connexion, and that, if they repealed one half of the malt-duty, the pressure for the repeal of the house and window-tax would be so great that it would not be possible to resist it. But many gentlemen thought the repeal of the half only of the malt-duty would be unavailing. They argued, that the relief would be partial and incomplete; that an expensive establishment for collecting the remaining half must be kept up; that the inquisition into the manufacturers' processes, which at present was so vexatious, must be preserved, and therefore it was said it would be better to repeal the whole. If there were any force in that argument, the whole amount of the taxes to be repealed was not £6,800,000 as had been stated by the hon. member for Worcester, but £7,300,000. The total amount of the malt-tax last year was £4,800,000; the amount of the house and window-duty was £2,500,000; and if they repealed both, therefore, that would entail a reduction of the revenue of not less than £7,300,000. The hon. member for Middlesex said, that the government might make reductions in every branch of the public service, and by these means reduce the expenditure, and prevent a deficiency. But let it be remembered, that they had already voted the army estimates—they had voted the amount of the naval force—they had voted part of the ordnance estimates; and he considered it impossible, since the House had agreed to those votes, to look for any reduction in expenditure equal to supply the deficiency. The hon. member said, make reductions; yes, make reductions in the expenditure first, and then reduce taxation. Would the hopes and security of the public creditor, when he saw a large deficit, be satisfied by a vague assurance that the House might ultimately reduce three millions of the expenditure? If they repealed the taxes proposed, they would injure public credit irreparably. With respect to rescinding the vote of the other evening, he thought it far better to rescind that vote than to adhere to it if it were unwise. He saw no dignity in persevering in error. The question was, whether the vote were consistent with the good of the country; and if it were not, how could it be contended that they were precluded from rescinding it? The argument against rescinding this vote would apply to the rejection of a bill on a third reading which had been read a second time. It was said, that if they rescinded this vote they would have many other questions, upon which the opinion of the House had been once expressed, re-agitated; but the only reason why those questions were not agitated now, was, not from respect for previous decisions, but from apprehensions of a second, and perhaps more signal failure. He repeated, that the repeal of the half of the malt-duty carried with it the repeal of the whole; and if the whole duty were repealed, and the house and window-tax were repealed, they would not be able to satisfy the public creditor; for it was a perfect delusion to suppose, that the deficiency could be made up by increased consumption and by a reduction of expenditure. The only alternative, then, was a property-tax, to which he was decidedly opposed. He would not pledge himself beyond the present occasion; but he would say, that in the present circumstances of the country, and at the present period of the session, either a property or an income tax would be a great calamity. He knew that some persons contended for a tax on property who would not tolerate a tax on income. He could not recognise the justice of such a distinction. He considered that it would be establishing a principle of spoliation to tax property, and exempt income from the tax. He would take the case of a man who, by frugality and industry, had amassed a fortune of £10,000, which he had vested in the funds; he would suppose that the man had two sons, on whose education he had bestowed much care and great expense; and that these two sons, in consequence of that education and paternal care, were making large professional incomes,—were the two sons to escape a contribution to which the father was to be subject?

The father had, perhaps, by self-denial, by the application of all that he could spare from a limited pecuniary income, enabled the sons to acquire an income tenfold greater than his own. Why should the father alone be called upon to contribute to the exigencies of the state? If a property-tax were imposed, there must also be an income-tax. If either were imposed, there must be a rigorous inquisition into every man's property, as a necessary concomitant. He would not say that circumstances might not arise, in war, or even in peace, to justify such a tax; but, in the present circumstances of the country, he could not think it politic to levy an income-tax; the effect of which must be, if it were justly levied, to expose every man's business to a rigorous inquisition. It was a tax which, unaccompanied by severe and unsparing scrutiny into private affairs, would encourage fraud and perjury. Setting aside the circumstances that, generally speaking, it was better to submit to taxes already established than have recourse to others, he must say that a property-tax would be most injurious. The tax upon houses and windows was not, in his opinion, a bad tax. If unjustly apportioned, let that injustice be redressed. In principle it was not bad; and the inequality complained of was not necessarily incident to it. The amount of income might be concealed; but men could not conceal the value of a house, or the number of windows. In principle, he did not know a tax more free from objection. If any county or district were unfairly taxed, let the other counties bear their fair proportion. The hon. member for Lincolnshire (Mr. Heathcote) had made a very patriotic speech to-night; for he had proved that the farmers of Lincolnshire escaped almost entirely the house and window-tax. Let us profit, then, by this avowal of the member for Lincolnshire, and take care that his constituents escape the tax no longer. The learned sergeant (Sergeant Spankie) had spoken in favour of indirect taxation, which certainly was a good species of taxation, because persons incurred it voluntarily, and could apportion their expenses to the tax; but it might be carried too far. It had limits, beyond which it gave rise to smuggling, and defeated the object in view. If he had in his possession the produce of a property-tax amounting to £7,300,000, he was by no means sure that he would select as the first taxes for reduction the malt-duty, and the house and window duties. There were other duties, the removal of which might confer greater benefits on the country, and spread those benefits more equally over the agricultural and commercial interests of the country, and over the different classes of agricultural interests, over the growers of oats, and the graziers, as well as over the growers of barley. But his main objection, he repeated, to the repeal of these taxes was, that it could not be done and preserve faith with the public creditor, unless an income-tax were imposed. He knew that it was a popular notion with many persons, not only that a tax might be laid on property, but from which income might escape; that the tax on property might be a graduated tax, and made very productive. Let them be assured, however, if they applied a graduated property-tax, that the principle would admit of no limitation; that they would discourage industry, and induce capitalists to transfer their capital to other countries. The hope of dishonest gains would defeat itself. A graduated property-tax would lessen the stimulus to honest exertion in future, and force men to seek other countries for the deposit of their hard-earned accumulations. For these reasons he should oppose the motion of the hon. baronet, and vote for the motion of the noble lord.

Several other amendments were proposed, and negatived—Lord Althorp's proposition being ultimately carried by 285 to 131; Majority 154.

CHURCH TEMPORALITIES (IRELAND).

MAR 6, 1833.

Lord Althorp having moved the Order of the Day for the second reading of this Bill,—

Mr. Goulburn stated, that he observed in the 16th section of the bill a declaration that his Majesty had placed that part of the hereditary revenues of the Crown, derived from the archbishoprics and bishoprics to be abolished, at the disposal of parliament. He (Mr. Goulburn) had looked over the records of the House in order

to discover any message from the Crown to that effect, but had been unable to find any. Perhaps, however, such a message had been delivered, and he begged to ask the noble lord for information on the subject?

Lord Althorp said, it was true that there was no specific message such as that alluded to by the right hon. gentleman; but that he did not conceive any such specific message to be necessary. The subject had been referred to by his Majesty in his Speech on the opening of parliament, and his assent had been officially signified in the committee.

SIR ROBERT PEEL said, that the occurrence was clearly an oversight. The noble lord must know as well as he did, that there ought to have been the same message with regard to this bill as there had been this evening relative to the Woods and Forests. As to the recommendation from his Majesty, that did not affect the question, for the right hon. gentleman must be aware that that recommendation would have been equally necessary if there were no revenues of the Crown to be resigned.

Lord John Russell observed, that there was no more necessity for a specific message before the second than before the first reading.

On the question being put, that the bill be read a second time,—

Mr. Shaw moved as an amendment, that the bill be read a second time that day six months.

Mr. Estcourt begged leave most cordially to second the amendment.

Sir Robert Peel said, that there were some of the objects contemplated in this bill of which he approved; there were details in it which he admitted were capable of improvement in the committee, and objections had been urged against the principle and details of the measure, in the whole extent of which he did not concur. The right hon. gentleman had stated, with the dexterity of a skilful disputant, that the real question now to be decided was, whether there should be a reform in the Church or not. He denied that this was the case, and he begged that the House would not put that construction on the matter, or interpret a vote hostile to some parts of this bill, into an opinion opposed to all Church reform. He approved of the bill, as far as it proceeded on the principle of removing every abuse in the Church establishment, and of requiring from those who were intrusted with the spiritual care of parishes a constant and scrupulous discharge of their duties. He also concurred in the propriety of abolishing Church-cess; he considered that the right of the Church to this cess was different in its nature from its right to tithes. It was conferred by statute; and not only that, but the grant of it depended on the will of a body, independent of the Church—namely, the vestry. He was, therefore, ready to forego a claim, which, under the very peculiar circumstances of Ireland, it was for the interest of the Church itself to abandon. He thought that, by making some other provision for the repair of churches, they would remove a cause of disunion, and hostility to the establishment, which it was not worth the while of the Church to incur for such a trifling amount. He also believed that the tithe commutation measure would do little good, if in each parish they left the Church-cess to be levied from the occupying tenantry of another religion. At the same time he must maintain, that the removal of the cess would be a direct benefit to the proprietors of land; and though, on principle, he was ready to defend the propriety of throwing the expense of the repair of churches on those proprietors, still he thought it was better, on the whole, for the Church itself, that it should undertake the charge, and he was willing that it should be borne by the revenues of the Church. He hoped, however, that he should experience, in this instance, the same readiness which government had already shown to depart from its plans when convinced of their injustice; and that, in the details of this measure, the noble lord would continue to act on the principle on which he acted on a former occasion, when he consented to the exemption of all existing interests from the taxation imposed by the bill. It was proposed, that no part of this new burthen to be thrown upon the Church should be borne by those whose livings were of the annual value of less than £200; but he was confident the landholders of Ireland would not consent that this charge of repairing churches should be thrown from their shoulders upon the holders of benefices of so small an amount as £300 per annum. If the House should consent to the principle, which he thought was scarcely probable, of exclusively taxing the clergy for this object, he should still contend that it was not right to abstract any thing from small livings, and that a cler-

gyman should have a clear stipend, at the least, of £300 per annum. Again, he had great doubts as to the policy or justice of a graduated income-tax upon the clergy; and this proposition, though included in the bill, formed no part of its principle. The noble lord stated on a former occasion, with great force, the objection to a graduated property-tax. Those objections, in part at least, applied to the present proposition. The principle of graduation appeared in a qualified degree to be recognised by it. While he admitted that the revenues of the Church ought in future to provide a substitute for the Church-cess, he still doubted whether it would not be better to defray the charge by some other means—out of the savings on bishops' lands for instance—than by a tax exclusively imposed on the clergy, and which tax seemed to imply, that the clergy had some special interest, apart from the general interests of the community, in maintaining the fabric of the Church. With respect to the reduction of the number of bishops, he could not concur in what had fallen from the hon. member for Oxford, who thought the reduction so objectionable in principle, that it was beyond the competence of parliament to ordain it. His hon. friend had contended, that no unions of bishoprics had taken place since the Reformation, without the consent of the Convocation. Now, if his memory did not deceive him, unions had taken place since the Reformation, without the consent of the Convocation, upon the authority of the King in council, and of Acts of parliament. It was justly said, by the right hon. gentleman (Mr. Grant), who spoke last, that such an instance took place in the 2nd of Elizabeth, when Cashel and Emly were united. He believed also that Ardagh had been united with Tuam since the Reformation, without the instrumentality of a Convocation; and Kilfenora was united to Killaloe so lately as 1752. He could not concur in the position, that an act for the union of one bishopric with another constituted a violation of the coronation oath. He did not think it possible to maintain the doctrine, that the King of England was bound by that oath, in his legislative as well as his executive capacity, to maintain every privilege of the bishops, and of the clergy in the exact state in which those privileges stood in the year 1688. If that were the true interpretation of the coronation oath, it followed as a natural consequence, that the kings who had given their assent to any Act subsequently passed—varying the strict legal privileges of the Church—by uniting bishoprics or parishes, or commuting tithes, which had already taken place, had violated the coronation oath, a conclusion at which he (Sir Robert Peel) should be extremely sorry to arrive. In his opinion, the coronation oath of the monarch imposed a duty to maintain to the utmost of his power the interests of the Established Church. There was left to the King the exercise of a discretion, to be regulated by his own conscience, by his own sincere, honest decision of the question, whether any particular measure was or was not for the interests of the Church. If, on a review of comparative advantages to the Church, or of dangers menacing the Church from different directions, the King conscientiously took that course which secured to the Church, in his deliberate judgment, the greatest prospect of advantage, or warded off the greatest amount of danger, he for one never could believe, that a King acting on that principle violated his oath, although he might consent to the modification or abandonment of some privilege heretofore possessed by the bishops and clergy. He never could consent to the doctrine, that the King must rigidly maintain every ancient privilege of the Church, even to the certain injury of the best interests of the Church. This the King must do if he had no discretion. If he had a discretion, who could presume to charge the King with a violation of his oath, because the King, who took the oath, differed in his conclusions as to the bearing of a particular measure from others who had no oath imposed upon them. With respect to the diminution of bishoprics, at present there were twenty-two bishops in Ireland, and he should be sorry to be convinced of the policy of diminishing that number, because upon that question must depend an alteration in the Act of Union with Ireland—that Act having provided for the maintenance of a certain number of bishoprics in Ireland, and for a certain rotation regulating the order in which they were to have seats in parliament. He must confess that he saw great objection to altering the Act of Union, and making a new arrangement. He would, therefore, infinitely rather find it consistent with the true interests of the Church to maintain the existing number of the bishoprics. The bill before the House struck off ten out of the twenty-two; and

until the right hon. gentleman opposite (Mr. Stanley) spoke that night, no reason whatever had been assigned for making a reduction of that particular number, and surely the House would not decide that question without having returns laid before them of the extent of the different dioceses, and the number of benefices in each. The House should take into its consideration what were the duties the bishops had to perform. Supposing the proposed reduction to be made, there would be left a total number of twelve bishops, four of whom would have to attend in parliament. Would the remaining eight be sufficient for the discharge of the increased duties of their extended dioceses? Or, if they performed the duties of superintending the incumbents in the different benefices, must they not neglect the duty imposed on them as ecclesiastical commissioners? The whole charge of the commission would devolve on the lay Commissioners—persons salaried by the Crown, and removeable at the pleasure of the Crown. That must be inevitable—for those who gave their constant attention to the Commission, who were conversant with its daily details, would naturally have the control, so that the influence of the Church over it would soon be at an end. All these were questions of great importance, and worthy of the deepest consideration. But to go no further at the present than the plan immediately before the House, he would say that the arrangements it proposed were exceedingly defective. Upon looking to the bill, it would be seen that three of the largest cities of the south of Ireland were to be left without resident bishops.

Mr. Stanley begged the right hon. baronet's pardon, but there was a provision in the bill which left the bishop a choice, with the consent of the commission, as to their place of residence.

Sir Robert Peel had not adverted to that particular provision of the bill; but as it stood at present it abolished three bishoprics, and thus, unless the bishops changed their residence, it would leave Cork, Waterford, and Kilkenny, three of the largest cities in the south of Ireland, without a resident bishop, and of course the Protestant populations of those cities without that episcopal superintendence they had hitherto enjoyed. And here he would take the opportunity of observing, that he objected to no provisions of the bill which would render the Protestant religion more stable by requiring a strict discharge of these duties from its ministers. He wanted to see the spreading of the Reformation in Ireland, which he feared had as yet scarcely commenced. God grant that its progress had only been delayed by the unhappy discords which prevailed there since the Reformation—that the existence of the political disabilities of the Roman Catholics, and the jealousies and suspicions inseparable from them, had been the main causes of impeding the progress of the Reformation! God grant that the period might soon arrive when a real reformation would take place, not through the operation of constraints upon conscience, but through the removal of every impediment to the natural progress of divine truth! That such would be the case was a conviction deeply impressed upon his mind. The House ought, therefore, to be cautious (to use a phrase already so justly employed) before they controlled the expansive force of the Protestant faith, by diverting the provision made for the support of its ministers to secular purposes, and depriving it of the power of filling a more extended sphere of duty. There was one principle involved in the bill to which he would never consent—that by which the property of the Church, being improved by an act of the legislature, was diverted from ecclesiastical and applied to secular purposes. Entertaining the opinions he did of the ability of the right hon. secretary (Mr. Stanley), he was never so disappointed as at hearing his attempt to show that there was nothing in the principle of the bill inconsistent with equity, justice, and true policy. The right hon. gentleman narrowed the question between them on a former night to this simple issue. He contended that if the property of the Church was improved by an Act of parliament, the amount of the improvement belonged to the state. Now he (Sir R. Peel) must repeat, that according to all the principles which had hitherto governed the disposition of property, and according to the dictates of common sense, the property so improved belonged to the Church, and to the Church alone. It was because the bill recognised that most objectionable principle, and because the right hon. gentleman declared, that his Majesty's government would not abandon that principle, that he (Sir R. Peel) would take the earliest opportunity of entering his protest against the measure. He considered that principle to be dangerous to the security of all property. It was a prin-

ciple, be it observed, maintained by men of high character and station, who admitted that there was no distinction in respect to inviolability between Church property and private property. It was true they contended that Church property was so far under the control of the legislature that it might admit of different distribution and appropriation for the *bona fide* purpose of promoting spiritual objects; but he had frequently heard the right hon. gentleman argue with great force, that in no other respect did Church property differ from private property, or the property of corporations. He was the last man who would wish to tie down another to opinions once expressed on questions of general policy; but right and justice were immutable. If the right hon. Secretary had said, that, upon consideration, he had changed his opinion, he should have made no further remark; for nothing could be more childish than the unbounded confidence which some men had in their own infallibility, and in the outcry which they raised against any change by others of an opinion once professed. But in this case no change of opinion was avowed. He did not contend for greater sacredness of Church property than was contended for by the present Lord Chancellor of Ireland. That noble lord said, on a former occasion, in this House, that although both the property of the Church and of individuals must yield to the exigencies of circumstances, he would maintain that the property of the Church was as sacred as any other. Similar sentiments had been expressed by the right hon. gentleman himself, by Mr. Canning, and, he believed, by the present Lord Chancellor of England. How, then, could those who admitted that ecclesiastical property was in its character the same as other property, maintain the proposition, that if parliament gave an improved value to Church property it might apply that improved value to state purposes? The right hon. gentleman had argued that the bishop had no right to this improved property; that the tenant had no right to it; and that therefore it followed, as a necessary consequence, the state had a right to it. Now, he would admit, that if parliament, by an unexpected act of interference, improved this property, the existing bishop and the existing tenant might have no claim in point of right to the value of the improvement; but had that great corporate body, the Church, no right to it? On what pretence did the right hon. gentleman rest his claim to apply the value of the improvement to secular purposes? If the right hon. gentleman were to say, that Church property was different in its nature from other property, and that the House might therefore apply it to state purposes, he should know what to say in reply; but he was at present contending with those who admitted that there was no difference between Church property and private property, and who yet asserted that, if an act of parliament conferred additional value upon Church property, the legislature had a right to seize for state purposes that additional value. It was utterly impossible to maintain that proposition, and confine it to the Church. It was equally applicable to the improved value of all property, arising under similar circumstances. The right hon. gentleman said, that the bishops acquired this property under an act of parliament, and the inference was, that an act of parliament might take it away. That was a most important question; and he met the right hon. gentleman with a distinct denial of the proposition. The rights exercised by the bishops over their property were not acquired under any act of parliament. Those rights existed before the passing of the Act to which the right hon. gentleman alluded. That Act merely restrained the original, inherent, and much more extensive rights possessed by the bishops. It limited their power over their property to the granting of leases for twenty-one years; but before the legislature stepped in and limited their rights, the bishops possessed the power of granting leases for indefinite periods. Why did the legislature restrain the power of the bishops? For the benefit of the Church, and with no other view. The very title of the Act expressed its purpose. It was called, "An Act for the preservation of the inheritance, rights, and profits of lands belonging to the Church and persons ecclesiastical." He did not know whether the right hon. gentleman was aware that there was a tract in Dean Swift's works, discussing the question of the policy of repealing that Act. In this tract, he gave the reasons which induced the legislature to pass the statute of Charles II. He said that the Roman Catholic bishops, foreseeing that the Reformation was at hand, prejudiced the rights of the Church by making improvident leases in perpetuity; and he added, that many of the Protestant bishops followed their example, conferring the property of the Church

upon their near relations. For these reasons it was that the legislature interfered for the express purpose of preserving the property of the Church, without, as was expressed in the preamble, "detriment, spoil, or prejudice." Accordingly arch-bishops and bishops were restrained from making leases of longer duration than twenty-one years—all of longer duration being declared void, expressly for the purpose of perpetuating the rights of the Church. After the lapse of 200 years it was now proposed to repeal that Act, that is, to remove the restraints which it imposed. By their removal, the property of the Church might be improved, and could it, with any semblance of justice be argued, that the improvement belonged to the state, and not to the Church? There was no new value given to this property; there was merely the removal of a legislative restraint on an original right, by which restraint the property was injured. If they sanctioned this principle of the bill, they were immediately weakening the foundations of all collegiate, hospital, and corporate property, and ultimately the foundations of all private property. He therefore must protest altogether against the principle, that if by an act of parliament the House conferred a value upon property, for which new value the owner gave no consideration, and which he did not even contemplate—he denied, he said, the principle, that parliament had a right to appropriate to the state this improved value of the property. But under what circumstances was it that the House was discussing the question? If they really had a sum of £3,000,000 to deal with, there might be something so tempting in the amount of the spoliation that some men might be induced to overlook its iniquity; but the fact was, that the House was legislating about moonshine, and were engaged in a most unprofitable discussion upon a most dangerous principle. The danger was only increased by the miserable amount of their dishonest gains. The case was not one of splendid robbery, that might be thought, from its singularity, to constitute no rule for the future. Our wrong was without the palliation of being a profitable one. The precedent would be of daily application. After providing for all the wants of the clergy, the House would not have a shilling left with respect to which it could apply the principle which it was asked to affirm, and which it would affirm, therefore, if it agreed to the measure as it stood, in pure wantonness. There were two descriptions of property belonging to the Church—tithes and land. Tithes were insecure, from what causes he would not now stop to enquire, but the land was secure. Well, say the House of Commons and the government, "the tithes we will leave to the Church, for we have made them a worthless possession; but the lands we will improve and take to ourselves." What justice, he would ask, was there in this? He did not object to the improvement of the property; he wanted no personal interests of either bishop or tenant to be promoted by it; but let the Church—let that religion for which the Church exists—benefit by the improvement. Surely, the first charge on this improved revenue was to replace the sums taken from the Church by the abolition of Church-cess. He did not object to an equalization of livings, and to providing for the worship of the Protestant population in the large towns; but he did object to any plan which did not consider these objects as the first to be attended to. Were these sentiments, he would ask, entertained only by persons of extreme opinions in favour of the Church? Did the right hon. gentleman know the opinions of Sir John Newport upon these very questions of the diminution of the number of the bishops, and the appropriation of the Church revenues to secular purposes? No man had laboured longer or more earnestly in the cause of Church reform, or had taken views more adverse to any unjust claims of the Church than Sir John Newport; and yet that right hon. baronet had presided at a public meeting at Waterford, which came to unanimous resolutions, approving certainly of parts of the bill, but entirely dissenting from the proposed reduction in the number of the bishops, and the appropriation to other than ecclesiastical purposes of the improved value of Church lands. He was not singular, therefore, in declining at once to admit the propriety of striking off ten Irish bishops, or of agreeing to the proposed application of the property of their sees. He recollected, that when he proposed to postpone the second reading of the bill from Tuesday to the following Monday, it was said by his Majesty's ministers to be quite impossible, for that members would pass sleepless nights in the interval; that, having voted for the coercive bill, their conscience was not at ease until they had given their votes for the Church Reform

Bill; and yet six weeks had now elapsed, and the bill was not yet read a second time. (Hear, hear.) He presumed that that "cheer" proceeded from some gentleman whose conscience had been upbraiding him for this long delay, and that for the last six weeks his days had been comfortless, his nights without repose. For his own part, he thought the questions involved in this bill much too important to be decided on such grounds, or with such precipitation. On the decision of the question before the House would probably depend the future welfare of the established religion; and therefore, however the House might agree, and he believed the great majority did agree, in the desire of removing every just cause of complaint, and in providing for the strict performance of their duties by the ministers of religion, the House must approach this subject with great caution, and enter upon its consideration, not with the view of gaining mere temporary applause, but of laying a foundation of increased stability for the Church of Ireland. He was prepared to consider a measure of Church reform which had that object in view; but as this bill contained the principle, that Church property, improved in its value by an act of the legislature, might, to the extent of that improvement, be applied to the purposes of the state, and as no hope was held out of the abandonment of that principle, he could not assent to a measure which was, in his opinion, unjust towards the Church, and which sanctioned a principle dangerous to the security of all property, whether lay or ecclesiastical, corporate or individual.

Lord Althorp having replied, the House divided on the question, that the bill be then read a second time: Ayes, 317; Noes, 78—Majority, 239.

The bill was accordingly read a second time.

DUTCH EMBARGO.

MAY 10, 1833.

Mr. Alderman Thompson rose, pursuant to notice, to move for "An account of all vessels detained under the Order in Council of the 5th of November last, laying an embargo on Dutch vessels in our ports; as also, for copies of all applications that had been made to the Privy Council for the release of such vessels," &c.

Mr. George F. Young seconded the motion.

Mr. Baring and Lord John Russell then addressed the House—the latter stating most emphatically, that any settlement which would effectually place Belgium beyond the reach of contention, would be cheaply purchased by one hundred protocols, and six months' embargo.

SIR ROBERT PEEL could not but admire the skill with which the noble lord who had just addressed the House had avoided all allusion to the main question before it—namely, whether the embargo were illegal in principle and efficient in practice. The noble lord's statements might be all correct, and those of his hon. friend Mr. Baring, all wrong; but the argument, whether the embargo was an efficient instrument or otherwise, and whether its being discharged against Holland did not recoil upon and seriously injure those who devised and employed it, was wholly untouched by it. He must say, however, that he had heard the concluding part of the noble lord's speech with pleasure—namely, that part of it in which he expressed a hope that peace would be preserved by six months embargo. If that were to be the case, then peace must be nearly established; for, if he were not mistaken, the embargo was laid on the 7th of November, and that was the 10th of May. He was glad to hear the hopes expressed by the noble lord, but that pleasure was in some degree abated by the statement of the Solicitor-general, that Holland had rejected the sound advice of England and France, and fled for refuge and support to courts the supporters of legitimacy. Such certainly was the expression of the hon. and learned member. The learned gentleman, it was true, had afterwards explained what he meant by legitimacy, as if he had been called upon as the writer of a dictionary. He knew not why the hon. gentleman had done this. If the learned gentleman's explanation meant any thing, it was, that all popular governments must necessarily be opposed to the principle of legitimacy. The hon. and learned gentleman meant, that the three great monarchies of Europe were ranged against England, France, and Belgium. It was not necessary, however, to mix up this question with the question of foreign

policy. He would admit, that the object of the noble viscount (Lord Palmerston) was justifiable, and he would further admit, that it was important to the peace of Europe to bring about this settlement; but if he admitted all this, he would still maintain that ministers were not justified in coercing and injuring the trade of British subjects, by imposing an embargo for that object. He would maintain, first, that the embargo was, independently of all questions of foreign policy, an illegal and unconstitutional exercise of power and authority of the Crown; whilst, secondly, it was ineffectual for its purpose. The validity of the arguments of the noble lord depended entirely on the fact, whether we were or were not at war with Holland. If we were not in a state of hostility with Holland, the noble lord's argument went for nothing; except as an act of hostility to that power, the embargo was wholly indefensible. But waiving that consideration, he was disposed rather to look upon it as an improper exercise of the prerogative of the Crown. Was the Crown to be authorized to continue indefinitely this restraint upon the commerce of our own people? To establish that as a precedent would be most dangerous and pernicious. If a vessel, with iron on board, represented her cargo as perishable, what did that prove but that commerce was placed out of the pale of the law, and was obliged to resort to such practices? In addition to its other evils, it became a temptation to fraud. The law was suspended, and commerce was placed under the discretion of the law-officers of the Crown. Surely a power to suspend or enforce all the restrictions implied in the embargo was one very liable to be abused. It was true, that he had heard no complaint of abuse, but it was a power which it was almost impossible to exercise impartially. He for one objected to commerce being taken from under the protection of the law, to be placed at the mercy of the ministers and law-officers of the Crown—to commerce being ever put under such control. He was glad to hear that no objection was to be made from the Treasury benches to furnish the whole of the information required, in order that parliament might see that this power had not been improperly exercised. It was said, that some property on board of Dutch vessels was released because it was British property; but if British subjects might embark their property on board of Dutch vessels, why might not British subjects insure that property? He could not, indeed, conceive a stronger argument against the embargo than the important statement of the learned Solicitor-general—namely, that it vitiated all contracts of insurance; and that the underwriters at Lloyd's were not responsible for loss in consequence of the embargo. Could any argument, he repeated, be adduced more demonstrative of the injustice and impolicy of that embargo? But then, said the noble foreign secretary, the same principle which would justify us in compelling Holland to accept our award by force—by open war—would, *a fortiori*, justify us in attaining our objects by measures of mitigated hostility. He denied the position; the law of nations knew of no vacillating, neuter state, neither one thing nor the other; it treated of, and recognised only the state of peace and war. A declaration of war was founded in practice; it gave parties warning; but in this sort of half-war nobody knew how to act. Was it possible to maintain that, because a third power refused to submit to English domination, that the government of England, therefore, might place British commerce under the situation in which it had been placed for the last six months? Could this doctrine be applied to America, on the ground, for instance, that she had refused the terms proposed to her relative to the north-east boundary? He positively denied the right of imposing an embargo, unless in a state of declared war; and, as Holland had not even attempted any injury against British interests, he denied the right to use such coercive means for carrying into effect any plan of negotiation. He repeated, that the embargo was a most unconstitutional act. In other cases of the exercise of the prerogative of the Crown, the parties might appeal to law; but that case admitted of no such appeal, and the law could afford the injured party no redress. That was a strong argument against it. But the main question was, whether the injury fell on the subjects of Holland or of England. He could not agree that it fell upon the former; and it had been shown that, since the embargo had been imposed, not a single mercantile or commercial failure had taken place, whilst the pressure had been great and severely felt in this country. He did not raise a question concerning the general policy of our interference in the affairs of the Netherlands; he confined himself to the injustice, inefficiency, and unconstitutional character of the embargo. Indeed,

neither the hon. member who opened the debate, nor those who followed him, arraigned the noble lord's foreign policy, while condemning the embargo as seriously detrimental to British commerce, and that, too, while it had not the effect upon the Dutch which only could justify its adoption. It did not seem to be at all a question of party politics; for the hon. member for Sunderland (Mr. Alderman Thompson) had voted the other evening for the ballot, and other members who supported his views as commercial men were in politics favourable to the ministers. It would be idle, therefore, on this occasion to raise a cry of factious motives; no such motives operated on any gentleman who was interested in that discussion. There was one very important question connected with this embargo to which he should like to hear a satisfactory answer—namely, whether we were bound to continue it to an indefinite period in virtue of a convention with the French government. It would, indeed, pain him to find that an embargo so unconstitutional in principle, and mischievous in practice, and so inefficient for the purpose for which it was designed, should be continued in consequence of a convention with France. He trusted, however, that such was not the case, that the noble lord had not been guilty of so great an absurdity—to use the mildest phrase—as to enter into such a dishonourable convention. At the time that this mischievously inoperative embargo was imposed, he had declared, that it would defeat instead of forward the object contemplated by it. He maintained the same opinion still, and hoped, therefore, it would terminate within its original period. He had then stated, and would repeat, that an embargo was an instrument of war, which could not, from its very nature, be employed in a peace-preserving negotiation. The noble paymaster of the forces had been rather critical upon the observations in reference to France of the hon. member for Essex, speaking of them as characteristic of a man who

"Just hints a fault and hesitates dislike,"

without boldly expressing any other species of censure. He would answer the noble lord by quoting, in reference to the policy of the noble lord's colleague against Holland, that other line of the couplet:—

"Willing to wound, and yet afraid to strike."

Yes, their whole coercive policy was an illustration of these words of the poet. Their embargo was a *telum imbellè, sine ictu*, which had no other effect than rousing a spirit of indomitable resistance on the part of the Dutch, and enlisting on their side the best sympathies of the commercial population of England. And thus—and it ever should be—

— "Even-handed Justice
Commends the ingredients of our poison'd chalice
To our own lips."

Ministers were creating a feeling in Holland which would propagate resistance to British views; whilst in this country they were creating a sympathy in favour of Holland. They were erasing in Holland all the feelings of ancient connexions; and he called on those who thought that Holland was in the wrong, to say whether the embargo was calculated or not to attain the objects for which it had been imposed. He called upon the House to abstain from the use of an instrument which was hurtful only to the hand which used it.

After a short discussion the motion was agreed to.

MINISTERIAL PLAN FOR THE EMANCIPATION OF SLAVES.

MAY 14, 1833.

On the House resolving itself into a committee to consider the subject of Slavery, Mr. Secretary Stanley rose, and in a speech of great ability propounded the governmental plan of emancipation; at the conclusion of which the right hon. gentleman moved a series of resolutions, pledging the committee to the immediate and effectual extinction of slavery, and guaranteeing slave-holders from pecuniary loss.

SIR ROBERT PEEL asked whether it was intended that the negroes should be sub-

ject to corporal punishment if they violated the contracts into which they entered with their masters?

Mr. Stanley replied in the affirmative; the power, however, of punishment would be taken from individual planters, and placed in the hands of the magistrates.

The resolutions were then read by the Speaker.

Viscount Howick having addressed the House,—

Sir Robert Peel said, he did not rise for the purpose of prolonging, or of even entering upon the discussion, as he thought it would be most inconvenient to do so at that stage of the debate and at so late an hour of the night; but he rose merely for the purpose of suggesting the necessity of coming to some understanding as to some practical course to be adopted with regard to the discussion of these resolutions. Whilst he admitted the necessity of coming to an early decision on this important subject, he must at the same time deprecate a premature or hasty one. It was absolutely necessary that some further time should be given for the consideration of these resolutions. The right hon. gentleman had not confined himself to vague suggestions, but had actually suggested a specific plan for altering the condition of slaves; but that plan was so complicated, that it would be impossible to discuss its principle without going into its details. One thing he hoped, and it was this, that the House would not adopt even one of the resolutions, without allowing time for its discussion and modification, if necessary. It must be acknowledged that the question of emancipation of slaves stood upon new grounds from the moment it was proposed to parliament by government. He did not infer from what had occurred that there was any indifference on the part of the right hon. gentleman to the unspeakable importance of this subject, or to the necessity of allowing time for its discussion; but, at the same time, he hoped that his Majesty's ministers would not ask a vote or single decision upon any of the resolutions until further time were allowed for considering the subject in all its details. Whilst he asked for a postponement, he did not wish for an indefinite one, but that a convenient day should be fixed for resuming this discussion.

In reply to Lord Althorp,—

Sir Robert Peel did not offer his suggestion to the House with any other view than that of allowing time for deliberation. The House would recollect that some of those gentlemen who were interested for the planters had an opportunity of speaking, and they had as much right to complain of delay as the hon. gentleman opposite.

Mr. Godson said, that although there were but a very few members in the House who were connected with the colonies, they were willing to go on at once with the debate, and on their part he would say that delay or postponement could only have for its object the promulgation of such statements as had been made in the brilliant speech of the right hon. secretary—statements which, though unfounded, would be thus circulated without an answer.

Sir Robert Peel had only spoken for himself. And whatever opinions the hon. and learned gentleman might entertain as to the effects of his suggestions, he must be allowed to say, that he had no other object, and could have no other object, than to obtain that attentive consideration of the subject which would be most satisfactory to all parties.

The resolutions were reported to the House *pro forma*, and ordered to be printed, and taken into consideration on the 30th of May.

CHARGE AGAINST SIR R. PEEL.

MAY 16, 1833.

Mr. Cobbett, pursuant to notice, brought forward his charge against Sir Robert Peel: the hon. gentleman proceeded by reading a series of resolutions, of extraordinary length, condemning the policy of the right hon. baronet in general, but more particularly in relation to the Currency Acts of 1819 and 1826, by which the hon. gentleman contended a vast amount of distress and ruin had been inflicted on the country; in conclusion, he called on the House (while reserving to itself the right of adopting further proceedings in the case) to present a dutiful Address to his Majesty,

praying that his Majesty will be graciously pleased to dismiss the Right Hon. Sir Robert Peel from his Majesty's most honourable Privy Council.

Mr. John Fielden having seconded the motion,

SIR ROBERT PEEL said, that, influenced by the respect which he entertained for the tribunal before which he was arraigned, he should treat the charge as if it had been preferred against him by some man of great weight and influence, who, acting according to his conscientious conviction, and stimulated by an imperative sense of duty, felt it necessary that in his person a public example should be made, and that he should be subject to the highest penalty which could be inflicted on any one admitted to his Majesty's councils. He would take for granted that the hon. gentleman conscientiously believed it to be incumbent upon him to call upon the House to inflict the greatest public disgrace which they could inflict, as a warning to future ministers. It certainly appeared strange to him that the hon. gentleman should conscientiously entertain that opinion, when, only a few nights ago, he had openly avowed in that House, that when he compared him (Sir Robert Peel) to others who had been concerned in the same measures, he thought him an angel of spotless purity. That the hon. gentleman should, after such an avowal, think it reconcilable with justice to select him as the special and single victim for punishment, warranted a suspicion that other objects than those of public justice were contemplated by the hon. gentleman. Two months had now elapsed since the notice of this motion was first given, and up to this hour he had never received the slightest intimation of the specific ground on which he was to be put upon his trial. Whether the charge was a corrupt motive, or ignorance, or wilful misconduct, he was left to guess from the vague notice of the hon. gentleman's motion. He now understood from his speech of to-night, that the hon. gentleman was convinced that he (Sir Robert Peel) had not been swayed in the slightest degree by any views to self-interest, or by any motives of a personal nature; but then the hon. gentleman maintained, that he had been guilty of gross and unpardonable ignorance in the discharge of his public duties, and that, therefore, he ought to be dismissed from his Majesty's councils by a vote of the House of Commons. Would it not have been fair in the hon. gentleman, when he was drawing up his long and elaborate bill of indictment, to have communicated to the accused the specific offences for which he was to be put upon his trial, in order that he might have had the ordinary opportunity of meeting the accusation, and of preparing for his defence? Was it consistent with justice, with candour, or with ordinary usage, that he should hear that night, for the first time, this tissue of accusations? Accusations of what? Of something that he did in the years 1819, 1822, and 1826. And then the hon. member who had seconded the motion had not confined himself to proceedings connected with the currency—but had said, on the contrary, that he would vote for his dismissal on account of an answer which he had returned to a memorial addressed to him from a party of manufacturers who had assembled on the subject of wages at the Bull Inn at Burnley. The hon. member had read the memorial, and read what the hon. member had called the answer; but the fact was, that this was not an answer to the memorial, but an answer to a letter that he had received from Lord Stanley upon a different subject, which letter the hon. member for Oldham (Mr. Fielden) had thought fit to suppress. The hon. member (Mr. Fielden) had said, that he and his friends had met at the Bull Inn, and had addressed to him (Sir Robert Peel) a statement respecting wages, and that they had received from him, by way of reply, a letter about sending them troops, for which they had never applied. Such had been the statement of the hon. member for Oldham. But suppose that Lord Stanley had addressed to him (Sir Robert Peel) a representation upon the danger to the public peace existing in the county of Lancashire, and suppose that the letter referring to troops was in answer to the representation of the noble lord, who had been foreman of the Grand Jury, and had made a communication to him officially in his public capacity: suppose the case was thus (as, if reference were made to the documents in the department of the Secretary of State's office, he believed it would prove to be), he asked the House with what justice the hon. member could read his answer to the House, and at the same time withhold the communication to which that letter was the reply? He asked, with what sense of justice, with what feelings of common decency, the hon. member could urge this as a sufficient ground

to dismiss him from his Majesty's councils? Suppose he had misconducted himself with respect to the men who had met at the Bull Inn on the subject of wages, why had not the hon. member the courage to bring a charge against him by a distinct motion, having express reference to that transaction? What connexion had it with the currency question, on which he was arraigned by the hon. member for Oldham? Why had not the hon. member, who dwelt so much in his twelve columns about the price of muslins and calicoes—why, if the distress of the country, or of any part of the country, was a fair subject for the consideration of parliament (and he fully admitted that it was)—why had he not brought it forward in a fair and manly manner?—why had he not, instead of accusing him in this pitiful, sneaking, skulking way, proposed some better remedy for the distress of the people, some surer method of raising the price of his muslins and his calicoes, than the dismissal of one man from the councils of the king? But both the hon. gentlemen were as ignorant of facts and of forms as they were ready to assail him. If the hon. member had communicated to him his resolutions, he would have so far corrected them, that they should not have abounded with misrepresentations, and false statements of notorious facts. The resolutions began by stating, “That, according to the laws and customs of this kingdom, the king, our sovereign lord, can do no wrong to the whole, to any part, or to any one, of his subjects: that, however, effectually to guard against wrong being in his Majesty's name, and under his authority, done to his subjects with impunity, the same laws and customs which have, as our birthright, descended to us from our just and wise forefathers, make all and every one, acting in that name and under that authority, fully and really responsible to the good people of this kingdom for every wrong done unto them by any and every person invested with such authority; and that, in virtue of such responsibility, the wrong-doing party is subject to such censures, pains, and penalties, as, in virtue of the said laws and customs, the several tribunals of the kingdom have, in all ages, been wont to inflict: that if this responsibility were not real and practical, we should be living under not only a despotism, but an avowed despotism, for the king, being incapable of wrong-doing, and his servants being responsible merely in name and form, and not in practice, they also can do no wrong, and then the people of this renowned kingdom, the cradle of true liberty, would be the most wretched slaves ever yet heard of under the sun; that, in cases where the wrong-doing is committed by inferior functionaries, or is, in its effects, confined to individuals, or to small numbers of sufferers, the ordinary courts of justice have usually been deemed competent to afford redress to the injured; but that, when the wrong is the act of a minister of state, sworn to advise the king for the good of his people, when that minister of state receives, as a reward for his fidelity and skill, large sums of the people's money.”—The first charge, then, against him was, that he was a minister of the Crown, sworn to advise the Crown to the best of his ability, and in the receipt of a large salary for performing that duty, when he contributed to pass the act of 1819. Unfortunately for this charge, in the year 1819 he was not a minister of the Crown, he was not a sworn adviser of the Crown, nor was he in the receipt of one farthing of the public money. The hon. gentleman insinuated—by way of aggravation of this charge—that he, being in the receipt of large sums of the public money, had increased his official salary, by increasing in 1819 the value of money. Now the truth was, that in 1819, when the value of money was raised, he had no salary; and in 1822, when, according to the hon. gentleman, the value of money was lowered, he was a minister, and he had a salary. The fatal act of 1819, as it was called, was not introduced by him in his capacity of minister, but a private member of the House of Commons. The motion of the hon. gentleman, therefore, if made at all, ought to be, not for his dismissal from the Privy Council, but for his expulsion from the House of Commons. This act of 1819 was in no respect the offspring of any advice he gave to the king; for he was not then in office, nor connected with the government. He had left office in the preceding year, 1818; he had given no advice to his Majesty whatever on the subject; he was asked by the government whether he had any objection to take the chair of the committee of that House, which was then about to be appointed to enquire into the subject of the currency; he had replied that he had given his vote in favour of Mr. Vansittart's resolutions in 1811, without a full consideration of the subject, and that he must reserve to himself the right of taking a course perfectly unfettered either

by his own former votes, or the opinions of any member of the government. The result of more mature consideration, and of the enquiry before the committee, was a conviction on his part, that cash payments ought to be resumed, and he had acted upon that conviction. But, as he had before observed, he acted on it as an individual member of parliament, not as an adviser of the Crown, and therefore the motion of that night ought to be for his expulsion from the House. The charge against him was, that he had over-persuaded—that he had deluded by a speech an innocent and unsuspecting House of Commons. But he must first have deluded the select committee, on whose report the bill and his speech were founded. But who deluded the House of Lords? for that House was also a party to the whole proceeding, to which it gave a cordial and unanimous assent. The hon. gentleman was grossly ignorant of every fact connected with the case. He charged him with having introduced three measures as a minister of state, when in fact he had introduced only one of them, and that one not in the capacity of a minister of the Crown. When the other two measures were brought forward, he was a member of the government, but he was not the introducer of either of them. These three bills passed through the two Houses of Parliament in the years 1819, 1822, and 1826. The bill of 1819 was the only one which he had introduced, and that was founded on the report of the committee; to that report no exceptions were taken, and the bill passed through the House of Commons without a division. The bill of 1822, the hon. gentleman said, was a bill notoriously brought in to repeal the Act of 1819; and he had declared it to be grossly inconsistent to bring in a bill in the year 1822 to repeal the Act of 1819. There might be a man gifted with faculties of so high an order that no charge of inconsistency could ever be brought against him—a man of such clear apprehension, of such profound penetration, of such consummate judgment, that he never had held opposite opinions on any subject—one whose pen never contradicted his tongue, and was never inconsistent with itself;—such a man might be entitled to address him to the *argumentum ad hominem*—to arraign him for the want of consistency. He would, however, whisper to the hon. member, that he was not the man; that from no quarter could the charge of inconsistency proceed with so bad a grace. The charge of inconsistency brought against poor short-sighted human beings as to the effects of political measures—this accusation, that politicians had not penetrated into futurity—had not foreseen all the remote consequences of the measures they introduced—that, made wise by experience, they had been compelled to recede and repair their errors—argued either consummate wisdom, or consummate assurance in him who preferred it. But, after all, was the Act of 1822 tantamount to a repeal of the Act of 1819. What had Mr. Huskisson said of the bill of 1822? Mr. Huskisson said, “The present plan, so far from being suggested because the measure of 1819 was repented of, was at all points perfectly consistent with that measure; and he (Mr. Huskisson) in the committee upon the bill of 1819, had actually proposed that the present plan should at that time be recommended to parliament.” These were questions on which hon. gentlemen differed then, and differ now; but if the House assented to the motion for dismissing him from his Majesty’s Privy Council, would it not actually decide the whole of these questions? He would again say, that he still felt that it was right to try the experiment of the year 1826; but subsequent experience had convinced him that he could not permit the issue of the one and two pound notes without practically banishing the gold; and undermining the basis on which the great superstructure of the currency was built. It was this consideration that had induced the government to shorten the period for which the small notes had been issued. He was sorry to occupy the time of the House by such statements; but he dared to say that the hon. gentleman would pronounce that he had entirely shrunk from the question, if he did not enter into the details of the policy of the Acts of both the years 1819, 1822, and 1826. But the proper time for discussing the policy of these Acts was when the question of the currency was before the House the other night; and on that occasion he had declared, that in the year 1819 it was very difficult to have taken any other course than that which had been adopted. However, the policy of the different Acts had then been discussed; he would not further waste the time of the House by referring to it, as the real question for them to determine now was whether he (Sir Robert Peel), on the ground of interested motives, or on the ground of utter ignorance, or, what was far worse, in defiance of the solemn warning which he and

all mankind had received from the oracular predictions of the hon. member for Oldham, had pursued a line of policy for which he ought now, by a vote of that House, to be dismissed for ever from his Majesty's Privy Council. When the three measures were passed, what was the sense entertained of them by the House of Commons? The bill of 1819 went through that House, as he had said before, without any opposition whatever, and without one single division either on its principle, or on any one of its details. In the year 1822 the bill underwent very little discussion. There was only one division upon it in its progress through that House. And though now described in terms of such strong condemnation by the hon. member, it was then opposed only on the second reading. He had certainly not deluded the House on that occasion, for he had taken no part in the discussion; and, when the House was divided on the second reading, how many gentlemen voted against it? Why, only four.—In the year 1826 the bill had undergone repeated discussions, and, he believed, several divisions, and at last the House had divided on the third reading. What was the division in that case? Why, the numbers were, for the third reading 108, and against it 9. To the whole of the three bills, therefore, of 1819, 1822, and 1826, the total opposition that could be mustered was 13, out of a House of 658 members. Was he to be dismissed the Privy Council for measures which the House had ratified by such large majorities? He was then dealing with the motion on its merits, and supposing it to be brought forward on conscientious grounds. If he had any private account to settle with the hon. gentleman he would defer that for the present; but he could assure him that he would pay him his obligation in a currency not in the least depreciated, and he would not follow the hon. gentleman's convenient doctrine with respect to the liability of persons to fulfil their engagements. He would now come to the charge that he had deluded the House. He was obliged to take the charges irregularly and inconsistently, as he had heard them from the hon. gentleman. He was charged with having committed an act of folly, rendered even criminal by not having duly paid sufficient attention to the solemn warning which the hon. member had been pleased to give upon the subject. The hon. gentleman declared that there had been persons who had foreseen the consequences of the measures, and that they had endeavoured to persuade him of those consequences; but that, notwithstanding all their efforts, he had neglected their warnings, and that he was therefore to be held responsible, first for all the iniquity of the Act, and secondly for persevering in the measures after he had been favoured with such advice. The hon. member did not, indeed, name himself as one of the prophets; but it was impossible not to see that the hon. member's aim was quite as much to extol his own powers of vaticination, as to expose the defect of judgment in others. To go back to 1819, he was then merely a member of parliament, and had been invited to belong to a committee which was to be appointed, in order to consider what ought to be done under the then existing circumstances of the country. There were only three courses to pursue. The first was that which had been proposed by Mr. Western. That hon. gentleman, then a member of the House of Commons, had proposed that the paper money should be kept at the height at which it then was, in order to ensure the continuance of war prices, and by which it was maintained, that all the consequences which had resulted from his bill might have been avoided. The second course that might have been taken was one which had been suggested by some gentlemen, and was nothing less than that there should be an actual and permanent depreciation of the standard. Some gentlemen at that period maintained that there had been a virtual and actual depreciation of the standard value of the coinage during the war, and that the ounce of gold no longer represented the sum of £3: 17: 10½, but £5, or even £5, 10s.; and they argued that reverting to cash payments ought to have been accompanied by a paper convertible into gold, but gold depreciated in amount. The third plan was that which had been adopted, viz., to revert to the old standard of the country. The hon. gentleman exclaimed: "Ay, I foretold all the consequences, and I charge with the guilt of all the calamities that ensued all who did not attend to me, and they must be denounced and expelled from the King's councils; for I prophesied all that would happen—let justice be done—you must be debased, but I exalted!" He wished not only to defend himself, but to destroy the hon. gentleman's character as a prophet, which it was not his second object on this occasion to

establish. He was vain enough to flatter himself, that he should find very little difficulty in showing that his claims to oracular wisdom in this respect were but shallow and presumptive. The hon. member's bill of indictment charged the whole of the existing difficulties of the country to the Act of 1819. The hon. member's memory perhaps failed him, but, at all events, his opinions in 1822 were not the same as his opinions now. He would ask any gentleman in that House, whether he could reconcile this with what he had said in his letter addressed to Mr. Western on that occasion?—These were the hon. member's words:—"In the first place I have to remind you, as I did Mr. Wodehouse, that the Act of 1797, and those by which it was continued, provided for a return to cash payments at the end of six months after the making of peace, and these payments are not yet come at the end of seven years after making the peace. So that the bill of 1819 was really a relaxation of the Pitt systems, which would have sewed you up in six months after the peace was made. It would have taken away your estates, even years ago. And when you are crying out 'spoliation,' and 'confiscation,' when you are bawling out so lustily about the robbery committed on you by the fundholders and placemen, and are praising the infernal Pitt system at the same time, you seem to forget that these people always plead, and very justly, the Act of 1797 in support of their present demands. You say, they are receiving, the fund vagabonds in particular, more than they ought. You say, they are paid back more than they lent. You say, that they lent in one sort of money, and are paid in another. This is all very true; but is not this perfectly unfavourable to the Pitt system? And do not the Jewish vagabonds tell you so? Do they not say, or rather their supporters for them, that they lent their money upon the faith of the law, which said they should get their interest in cash at the peace. The measure of 1819 tardily began to prepare for doing what the Act of 1797 commanded to be done long before. What do you mean then by saying, that the Act of 1797 cannot excuse the measures of 1819? Common sense would suppose you to mean that the former Act could not excuse the latter for coming so late; could not excuse it for not coming to execute justice upon the hare and pheasant gentry seven years ago, agreeably to 'good faith' with the Jews, and the 'dead weight.' This is the way in which common sense would interpret your words; but you, the great Essex statesman, despise the interpretations of common sense." Was the distress of the country attributable to the Act of 1819, or was it possible to avoid that Act? Let the hon. member decide the question: "The point," he said, "we had attained, was poor-rates of £8,000,000 a year, and labourers in rags, and drinking water, and driven out of the farm-houses, and winter subscriptions for the houseless, and men chained to carts drawing gravel—that was 'the point we had attained.' You will please to bear that in mind. If the devil himself had been the author of the system, he could not have brought us to a much worse point; and yet the great subject of your lamentation is, that this system was not persevered in. However, the question is, was it in the power of the government to uphold that system? You say it was—I say it was not. And this is a great question; because you and many others are wanting to bring the system back. I shall, hereafter, show the folly and injustice of what you call your remedy; but I am here to show that the government had not the power (if it meant to preserve itself) to uphold the base paper system. At the time when Peel's Bill was passed, the country was actually upon the eve of open rebellion. It was not six Acts that quieted the people, but low prices. The most populous parts of the kingdom could not be kept from rising in arms, with the price of provisions what they had been during the war. Manufactures must, in a great measure, have ceased, when the markets of the world became open in consequence of peace, if our price of food had not been lowered. If the vile and foolish corn bill had not proved a dead letter, the manufactures must have been nearly put an end to as far as related to export. That bill was intended to do for the landlords what the paper-money had been doing for them; but it luckily failed of its objects. Have peace at home the government could not, without reducing the price of the necessaries of life. Besides this, the 'rapid advances' in the science of forgery threatened to annihilate the base system by its own means. Nearly one-half of the notes in circulation, in some parts of the kingdom, were forgeries. It was become evident that a stop must be put to the hangings; and yet, without the hangings, what could at all check the forgeries? Then, again, it was

as clear as daylight that, in case of war, our enemies would attack us in our own old way with regard to the French assignats. That they could do it was evident, and it was not less evident that the whole thing might at any time be puffed out at a very trifling expense. I was thought to be joking when I said so; but I now repeat, with perfect seriousness, that I do not only believe the thing could have been done, but that it would have been done, if Peel's Bill had not been passed." Why, continued the right hon. baronet, the hon. member himself did try "to puff the whole thing out," for he recommended as strongly as he could the forging of bank paper. When they considered the great talents of the hon. gentleman, and that he recommended forgery for the purpose of precipitating the downfall of the system, was it not too much for the same man now to turn round and threaten him with an indictment for having brought in a bill to guard against the evils which the hon. member himself had used so much exertion to cause. What he had quoted was published in the year 1822. It was acute reasoning, and he had seen no defence of the bill of 1819 equal to the defence of it, which the hon. gentleman had made. The hon. gentleman had proved, that the government had not had the power to continue the paper system; that it had run its inevitable course; that bankruptcy must have been declared but for the return to gold; nay, that we were on the eve of civil war on account of the distress and sufferings caused to the industrious poor by the paper system. The House would perceive that the hon. member treated Mr. Western as the great advocate for continuing the paper currency at its then value. There was, however, another scheme recommended to parliament, which was to let the ounce of gold pass for £5 instead of £3 : 17 : 10½. This would have been so far consistent with the principle of the Act of 1819, that paper would have been convertible into gold, but that the standard of value would have been greatly lowered. That proposition also met with no favour from the hon. gentleman. All the indignation and ridicule which the hon. member had poured out on Mr. Western, fell far short of that which he reserved for those who advocated an alteration of the standard. The great supporter of this plan, the debasing of the standard, was a gentleman from Birmingham, on whom the hon. gentleman conferred a title, which he believed and hoped was still retained. In all the controversy which he had carried on with him, the hon. member never called him by any other name than "My Lord Little Shilling." His lordship had published long pamphlets on the subject, but the hon. gentleman's contempt for him was such that he would never reason with him, and had always thrust all his arguments aside as the trash of "My Lord Little Shilling." The hon. member had also addressed a letter to Lord Folkestone, whom he had described as taking wider views on the subject of the currency than any other member of parliament. Lord Folkestone, notwithstanding the enlargement of his views, proposed a debasement of the standard. The hon. member for Oldham had referred to the noble lord in one of his most characteristic papers. He said, "You have borrowed from me one or two sound principles; but the application of them is all your own. Your arguments are altogether yours, and are of the weakest description." The hon. gentleman (continued Sir Robert) went on to show, that the difficulty of reverting to the ancient standard was very great, and he had opposed all these plans for reducing the standard in a most able manner. The hon. gentleman said, that the country must resume payments in gold, and must return to the ancient standard; and what then was the difference between the hon. gentleman and himself? The difference was this. The hon. gentleman said, that, on resuming cash payments, we must resume the ancient standard, but must at the same time proceed forcibly to reduce the debt; and that we must resume the Church lands [Mr. Cobbett said, he had made no such proposal in that House]. Oh, no; there was nothing of that kind in the present resolutions, but he considered the hon. gentleman as a public man; and if he adopted any line of argument out of the House different from what he used in the House, he would hold him responsible there for the language the hon. member used ["No," from Mr. Cobbett]. He said, yes. There was no public man who had claimed to exercise any influence over the public mind, for which he was not to be held responsible. The hon. gentleman, then, was an advocate for reverting to the ancient standard; but he proposed with that a forcible reduction of the interest of the national debt, or rather, a refusal to pay the just amount of interest. He said, that we paid too much to the public creditor. The only other point of difference between him

and the hon. gentleman was, that the hon. gentleman said that the country could not afford to pay pensions and large salaries, and they must be reduced. But there was no man in parliament who would support a proposition similar to that of the hon. gentleman. He was like the Phoenix of Cowley, "a vast species alone." He certainly had not adopted the hon. member's views, and never had proposed, and never would propose, any measure which was a breach of public faith. But what did the hon. gentleman say in answer to Mr. Western? "When you are crying out for confiscation and spoliation, by bawling out about robbery committed by the public creditor, you forget that these men always appealed to the Act of 1797, and very justly." Thus the hon. gentleman's own opinion was, that the public creditor relied "very justly" on the Act of 1819, for repayment of his debt in gold. With what pretence, then, could the hon. gentleman propose to reduce that debt? He would next refer to what the hon. gentleman had said about the condition of the labouring classes. The hon. gentleman had read a resolution of certain magistrates of Hampshire, which he said was a consequence of the Act of 1819. But the hon. gentleman ought to have contrasted the situation of the labouring classes when that resolution was passed, with their situation in 1819. "In 1819," said the hon. member for Oldham (and Sir R. Peel again quoted *The Register* to the following effect), "the poor-rates were eight millions—the labourers were in rags—they were chained to carts—they had been banished from the farm-houses—they had no places but the worst hovels to dwell in—and if the devil himself had invented a system, he could not have invented one of greater suffering than that of which he was lamenting the consequence." He had followed the hon. gentleman with the closest attention, and it was clear that the only point of difference between him and the hon. gentleman was not as to the propriety of resuming the ancient standard, but as to the policy and justice of other concomitant measures. The hon. member required that the national establishments should be forthwith reduced; and because he (Sir Robert Peel) had not made that reduction, and because he had not made the proposition to reduce the interest of the debt, which no hon. member had made, or had the courage or the dishonesty to make; because he had not made the proposition, the hon. member now moved an address to the Crown to remove him from the Privy Council. He would not make any such proposition, and he would rather be dismissed from ten Privy Councils, if that were possible, than make such a proposition. He was to be dismissed, too, because he had not made such a proposition, when, according to the hon. gentleman himself, the public creditor relied on the Act of 1797, and relied upon it "very justly." There was not, then, a shadow of difference between him and the hon. member; they both agreed that the ancient standard should be resumed, and that the public creditor was entitled to expect justice, and not to be fleeced. The hon. gentleman said, that sinecures should be reduced. If there were any sinecures, let them be reduced; but let no man cherish the notion, that any relief which could be obtained by the reduction of sinecures would be of the least avail. It would be like a drop in the Pacific Ocean. There were in fact no sinecures to abolish. He was ready to reduce establishments, not to the nominal state of any former period, but to that state which was compatible with the present security of the public, and the honour of the country. So much for the motion of the hon. gentleman—the public, plausible, parliamentary, grounds of the motion! The other hon. member for Oldham had referred to the answer he had returned to the representations made of great distress in 1829, and to his taking no means to remove that distress. But at that very time he had sent persons to Burnley, Blackburn, and to other districts of Lancashire, to make enquiries into the distress, and he had given them authority, where the distress was most severe, to relieve it; but they were instructed to say nothing of that authority, and indeed to be careful not to allow it to be known that they were agents of government. If that had been publicly proclaimed, the whole object of the enquiry would have been defeated, and personal exertions on the part of those who were on the spot, would have been greatly relaxed. It was often necessary for the government to conceal its intentions of relieving distress, otherwise its objects would be defeated. He denied that the expressions of the letter of 1829 betrayed any indifference to the distress of the people. He had promised to bring those complaints under the consideration of the government, and he had done so, but he could not disclose or reason upon the plans of relief. Suppose part of the plan of relief

to be a reduction of taxation, how could he prematurely mention that? He would not enter into details to refute the hon. gentleman, who thought, because distress existed, and because relief was not instantly promised, and the mode of relief explained, that therefore public men were to be dismissed from the councils of the king. But what was the real object of the motion of the hon. member? The hon. member well knew that he had not laid any parliamentary grounds for his motion. The hon. member said he anticipated a large majority. The hon. member expected no such thing. The hon. gentleman knew, that a motion so eminently absurd had no chance of success. The best answer to his motion was that incredulous burst of laughter with which his first announcement of it was greeted, and which would have penetrated any integuments less tough than the skin of the hon. member. The hon. member knew perfectly well, that it was hopeless to expect that the House of Commons would inflict any censure on one man for the faults of a whole parliament, when, in the course of repeated discussions during seven years, only fifteen persons could be found in the parliament to dispute or doubt the proposition on which the bill of 1819 was founded. He knew that the House was opposed to the motion of the hon. member; but he would state, without any delicacy, what he believed to be the real motive—the unavowed object contemplated by the hon. gentleman, in a motion which connected his (Sir Robert Peel's) name with all the calamities of the country, and all the distresses of the labouring classes. If he had taken another course, he was not mad enough to believe that he could have escaped the indignation of the hon. gentleman. Suppose he had agreed with his hon. and much venerated relative, from whom he had, on that occasion, the misfortune to differ—suppose he had agreed that the continuation of the issue of paper money was safe—suppose he had not avowed the opinions he entertained, could he have escaped the hon. gentleman's censure and vituperation? In one of the hon. gentleman's books—the volume for 1819—he found a letter addressed “To Sir Robert Peel, Baronet and Cotton-weaver.” “Cotton-weaver!” There was nothing in the whole range of scurrility more disgraceful—nothing which was so offensive in the organs and instruments of party—as that scurrility which sought to depreciate a man because he had raised himself from obscurity by his own talents and exertions. The hon. member addressed his letter “to Sir Robert Peel, Baronet and Cotton-weaver.” When the hon. gentleman wanted to get into parliament, he did not disdain the assistance of a cotton-weaver. There were no men who were more distinguished for a vulgar deference to mere rank, than those who assailed it with scurrility, and affected to be superior to all prejudices—to be the chosen champions of liberty and equality. It was to them the most grievous offence that any man should emerge from that class amongst which they were destined to remain. They taunted him with the obscurity of his birth, as if they were themselves the descendants of the Courtenays and Montmorencies: but no; if they were, they would be too generous to despise those who had opened for themselves the avenues to fame and eminence. The illustrious blood which flowed in the veins of the really noble, made them too generous to begrudge others the reward of their own exertions, and the public honours which industry and integrity could command. To make it a matter of reproach to any man that he was of humble origin, denoted nothing but inherent vulgarity of mind. And in this age, and with the principles of government now prevalent, to taunt a man that he had raised himself to a station of eminence by his own exertions and his own talents, reflected discredit on the author, and not on the object of the calumny. So far from that taunt causing him any shame, he felt only proud. He professed the greatest respect for those who could boast of hereditary honours; but he professed equal respect for those new families which had been raised to distinction by the virtue and talents of their founder. He had had the misfortune to differ from his father on the question of the currency; but the hon. gentleman would not have spared him had he adopted the opinions of one whom he was bound to respect. And he would here remind the seconder of the motion, who put the hypothetical case of two brothers, A and B—A being a fundholder, and B a landholder; and contrasted the sufferings of B with the prosperity of A—B having suffered a depreciation of his property of twenty-five per cent. He would remind the hon. gentleman that he himself, the object of his attack, was brother B. The question was, whether, if he had agreed with his lamented parent, would he have

escaped this motion; and, though he might have escaped the public plausible motion, would he have escaped that which was the real, though unavowed, object of the motion? The hon. member concluded the long letter to Sir Robert Peel, in which he attempted in every possible way to degrade him from having supported the bill system, thus: The right hon. baronet then proceeded to read the letter:—"Now, Sir Robert Peel, I care little whether you reflect on these truths or not. *I know well what is coming* (those words being in italics), and if I put your name at the head of this letter, it is not to reason with you, *but to point you out*" (also in italics). What was the meaning of these italics? Could the hon. gentleman say they had any good object? What could he mean by putting in italics, "I know well what is coming?" and that his object in addressing Sir Robert Peel was, not to reason with him, but to point him out. He knew well what the object was, and no motives of false delicacy should prevent him from doing what he believed to be a public good, and to declare that, in his opinion, the hon. gentleman had speculated then, and was speculating now, on the chances of public confusion. The intention of the present motion was "*to point him out.*" He did not make this charge on light grounds; he did not rest merely on the letter of 1819. He would refer to a later period, when they would find the hon. member addressing the labouring classes, the physical strength of the country, and maintaining similar doctrines to those to which he had just alluded. On the 6th of April 1833, the hon. gentleman recommended the formation, in different parts of the country, of what he called defence associations, the objects of which were to obtain, in reference to the direct taxes, an accurate list of the names and places of residence of all the great landowners in each county; to ascertain, as nearly as possible, when each of them came to his estate, and whether he got it by purchase, heirship, or bequest; and also to ascertain the probable worth of it. That a man talking, as the hon. member was in the habit of talking, of his attachment to liberty, should recommend the intolerable tyranny of this commission, to enquire into the nature and amount of property with a view to ulterior measures, was disgusting in the highest degree. The association was "to cause to be printed, at a very cheap rate, a true pedigree of every great landowner, showing how much of the public money he or any of his relations have received, not omitting his predecessors for three or four generations; showing how he came by his estate, and particularly showing whether the men, women, or children appertaining to him, are, or have been, on the pension or sinecure list, and to cause a sufficient number of these papers to be circulated amongst the industrious classes in his own immediate neighbourhood, so that we may all know one another well. This," continued the hon. member, "is the sort of commission that is wanted, and I would call it the reckoning commission, for it is absolutely necessary that we begin to make up our accounts and to have them ready. It would be a sad thing for us to be taken by surprise. When we all know one another well, we shall easily arrange matters quietly, we shall easily come to an equitable adjustment." Now, where was the fairness—where was the courage in thus inciting the thoughtless and the ignorant to acts which would involve them in certain punishment—of adopting a course, and throwing out recommendations, the effect of which was to drive men to desperation? The hon. member could have no object but one connected with the accomplishment of that end which now led him, looking to public confusion or "equitable adjustment," to bring forward the present motion, in order to point him (Sir Robert Peel) out in reference to this "reckoning commission," as in 1819 he had pointed out his father, "knowing well what was coming." It was on public grounds that the hon. member assailed him. The hon. member had not the same motives for attacking him which he had had for attacking others. He had never lent the hon. member his confidence; from him the hon. member had never received any obligation. His object doubtless was to strike terror by the threat of his denunciations, to discourage opposition from the fear of being signalized as a victim. But he told the gentlemen of England, that their best security was in boldly facing and defying these insidious efforts. God forbid that the hon. member's speculations on the prospect of "public confusion" should be realized! He laboured under no apprehension that they would. He felt confident, whatever might be the political differences that divided public men, that all who were interested in the upholding of law and property, would unite in their defence.

and put down such attempts. Not only would it be the greatest calamity, but a calamity embittered by the greatest disgrace, to live under such an ignoble tyranny as this.

Come the eleventh plague, rather than this should be;
Come sink us rather in the sea;
Come rather pestilence, and reap us down;
Come God's sword, rather than our own.
Let rather Roman come again,
Or Saxon, Norman, or the Dane.
In all the bonds we ever bore,
We grieved, we sigh'd, we wept; we never blush'd before.

But blush indeed we shall, if we submit to this base and vulgar domination; and I for one, believing as I do, when I read these comments of the hon. member, and consider his present motion, that I have been selected as an object of attack for the purpose of discouraging resistance to the insidious efforts which the hon. gentleman is daily making to weaken the foundations of property, and the authority of law, I will at least preserve myself from the reproach of having furthered the objects he has in view, by any symptom of intimidation or submission.

[Mr. Cobbett, in rising to reply, was received with the strongest manifestations of disapprobation from both sides of the House. Finding it impossible to proceed, the hon. member abruptly resumed his seat. At this moment Sir Robert Peel left the house, and in so doing was loudly cheered.]

The House divided on Mr. Cobbett's motion: Ayes, 4; Noes 298; Majority, 294.

Lord Althorp then proposed, "That the resolution which has been moved be not entered on the minutes."

This too was carried by 295 to 4; majority 291.

MINISTERIAL PLAN FOR THE ABOLITION OF SLAVERY.

JUNE 3, 1833.

In the adjourned debate on the ministerial plan for the Abolition of Slavery—

SIR ROBERT PEELE said, that in the whole course of his parliamentary experience he had never approached the discussion of any question in which the interests involved appeared to him to be of equal magnitude to those connected with the subject then under discussion. He never recollected any question in which the difficulties to be surmounted were so appalling; he never recollected any one in which a single false step increased the hazards of the consequences so immensely, or which would make them more lamentable or more irreparable. He admitted the just claims of the West-Indians to a compensation—to a compensation on fair and equitable terms—for the losses to which their property might be exposed in consequence of this measure of emancipation; but he did not rise to discuss the question as a partisan of the West-Indian interests. The least part of the difficulties which the question involved was, in his opinion, that of the quantity of compensation for losses to be sustained. It was certainly no consolation to him to learn, that the property of the West-Indians amounted to £30,000,000, or to understand that such was the extent of the claim which the West-Indians could prefer for compensation. The country could very well settle that amount of payment. Whether the claim to be liquidated were £15,000,000, or £20,000,000, or whether it were £30,000,000, it would not exceed the means of the country to provide the pecuniary compensation; but there were other and higher interests involved than this, for which, if they were sacrificed, no powers on earth could devise a compensation. There were interests of a still higher magnitude than any interests of property merely, which could be involved in the present measure. When he looked at the extent of the revenue raised from the West-India trade—when he looked at the general state of the revenue, and when he considered the existing, the long, progressive, and hourly increasing, impatience of the country with reference to fiscal impositions—when he looked at the amount of the revenue that the government were putting to hazard—an amount at least of £5,000,000 a year, he could not but confess, that the question in this respect

alone involved consequences that ought to make the House most anxious to come to a conclusion, as little as possible productive of evil. When he recollected all those interests which were involved in the question—the interests of property and the claims of the West-India planters—he considered it one of immense importance. He assumed, that he was addressing a House of Commons prepared to run the hazard of every sacrifice to ensure the emancipation of the negroes. He would put aside the importance of that determination to those interests which he had just mentioned, however strongly he felt the consequences which it must produce upon the happiness and welfare of society, upon the commercial industry and financial prosperity of the country; and he would address himself to the House upon that ground on which his address would be for the most part founded, namely, the degree in which the interests of humanity would be affected by it;—he meant that large, enlightened, and comprehensive humanity which was alone worthy the consideration of a statesman. He was confident, that, in the decision to which the committee was about to come, hon. members would not look to the mere redemption of any hasty and inconsiderate pledges which they might have given to their constituents upon the hustings. He was confident that they would not look to the achievement of any triumph over the West-Indian assemblies. The object of that House would not be to punish the colonial legislatures, but to lay the foundation of future prosperity and tranquillity in those countries of which they formed a constituent and important part. Their object would not be to pass a hasty vote recognising the expediency and justice of negro emancipation, but to alter safely and prudently the state of society in a hemisphere different from that in which they themselves lived;—to amalgamate two distinct and separate races, and supply a better stimulus to negro labour, than the old, base, and degrading stimulus of the whip. The object would be, not to create a dominion of free blacks content with the mere necessities of life, but to train the present slaves into a taste for the comforts and even for the luxuries of existence; to accustom them in that manner to the habits of honest industry, and to place them in that state of moral discipline which would enable the House, in unloosing their fetters, to feel that it was not acting inconsistently with the safety of the whites, or the happiness of the negroes themselves. Was that the object of parliament, or was it not? If it were the object of parliament, then he was bound to say, that this question was encompassed with greater difficulties than either the majority of the petitioners to that House, or the majority of the House itself, were prepared to anticipate. He was not about to state the difficulties which encompassed the question for the purpose of proposing an indefinite delay. It was now in such a state that some step in advance must be taken. Greater evil would arise from leaving it in its present condition, and from attempting to get rid of it by an indefinite postponement, than by meeting the difficulties of it fairly, and by endeavouring to lay the foundation of a better and more stable condition of society. The mere circumstance of the King's government having recommended emancipation, constituted a new era in the history of this question. That recommendation essentially affected the interests of all West-India proprietors, and ought to make them sensible of the danger likely to accrue from further delay, and indeed from any part taken by the House of Commons which looked like shrinking from the difficulties by which they were surrounded. At the same time that he said this, he felt that in settling this question, it was important that the committee should not be insensible of the difficulties of another description by which it was environed. In the West Indies the great majority of numbers, and the great superiority of physical strength, were on the side of those who were in bondage. There were physical as well as moral causes, which would, he was afraid, present obstacles to either a speedy or a satisfactory settlement of the question. The circumstances under which slavery was extinguished in Europe, were very different from those which existed at present in the West Indies. Slavery was gradually extinguished in most of the countries of Europe, and also in the East, because it was found more profitable to the master to employ the slave as a free labourer than as a slave. He could not agree with the hon. gentleman near him, that the sole difficulty of this question arose out of the operation of moral causes. Hon. gentlemen might argue, that because the slave was in a state of degradation, therefore he was unfit for freedom; but then the answer to that argument was easy—"You have placed the slave in that state of degrada-

tion, and it is not just that you should take advantage of the wrong which you have done him, to say, that because he is degraded he shall therefore remain degraded for ever; on the contrary, you ought to raise him yourselves from that degradation, by instilling into his mind moral habits and principles, and so qualify him for that freedom from which you now debar him, on account, not of his misconduct, but of yours." He repeated that this view was at least imperfect if not incorrect; for there were physical as well as moral causes which obstructed the settlement of the question, and made it one of great embarrassment. There was the distinction of colour. He did not allude to that as implying any inferiority between the black and the white—he merely alluded to it as a circumstance which threw a difficulty in amalgamating the slave population with the free, which did not exist either in any country of Europe, or in any country of the East where slavery was extinguished. If hon. gentlemen looked to the United States, or to any other of the democratic States now existing, which recognised the equality of all classes, they would find, that long after slavery was nominally abolished, the amalgamation between the slave and the free population, which all must admit to be desirable, did not take place in a full or a satisfactory manner. In the West Indies, also, the climate, the aversion to labour, and facility of obtaining subsistence, were perpetual obstacles to success, which consisted in substituting a stimulus for forced labour in a country where all labour must be forced. In other countries the stimulus to labour arose from the necessity of procuring the articles necessary to subsistence. In the West Indies, after you abolish the stimulus of labour from coercion, you cannot substitute the stimulus to labour from the necessity of procuring subsistence. The labour of a few days is all that is necessary in those countries to procure not merely the necessaries of life, but also articles of luxury. The evidence was conclusive, that so fertile is the land in most of the West Indies, that a slave, by a very small portion of corporal exertion indeed, can obtain all that is sufficient to support existence. When you say, that the slave has already a motive which will induce him to better his condition, you say that which, to a certain extent, is undoubtedly true. He has got a taste for finery, and thus he has within him the seeds of habits, from which, with care and attention, you may perhaps extract hereafter the stimulus to labour. But at present the elysium of his existence is repose. In the climate which he inhabits, the great blessing of life is the absence of labour—that labour for which you are now attempting to create in his mind a stimulus. These were some of the difficulties which beset the settlement of this question—difficulties which ought not to induce the House to abandon the attempt to settle it, but which ought to induce us to have a salutary distrust in our own powers, and to take every step which we were now about to take with great precautions against failure. The question really came to this—"Is it safe to rest where we now are? Is it safe to trust to the colonial legislature for the fulfilment of the resolutions to which this House came almost unanimously in the year 1823?" Now, he admitted that we had arrived at a state in which standing still would be more dangerous to the safety of the West Indies than proceeding onwards. He thought that the step recently taken by his Majesty's government, in compliance with the almost unanimous wish of the people, precluded the House from staying where it now was. To leave the slaves under the influence of zealots, who would be daily dunning into their ears, that for a certain number of years emancipation was not to take place, in deference to the wishes of their white proprietors; to add that new subject of agitation to those which already existed, would, in his opinion, be to expose the colonies to dangers more aggravated than any of those in which they were involved at present. Did he deny the competency of parliament to deal with this question? If he did, that would at once be a fatal objection to these resolutions. But he who had voted for the resolutions of 1823, and that, too, upon due deliberation, was not prepared to dispute the constitutional right of the Imperial legislature to deal with this question—"Shall the negro population of the West Indies, amounting to 800,000, remain longer in a state of slavery or not?" He readily admitted that there was a difference between the question of abolishing the slave trade, and that of abolishing the existence of slavery. The slave trade was carried on upon the open sea—the slaves were the inhabitants of the main land; and yet the course taken by parliament on the slave trade did certainly affect the interests of the proprietors of slaves quite as much as the present resolutions. The establish-

ment also of a system of slave registration, by the authority of the Imperial Parliament, affected the internal regulations of the colonies. It did not, in point of fact, affect them directly; but in regulating, that it should be necessary, to give validity to any encumbrance upon an estate, that all the slaves upon it should be registered, the legislature unquestionably interfered with the domestic economy of every estate in every colony in which a slave existed. Indeed, it appeared not only reasonable, but natural, that in a case affecting 800,000 of the king's subjects, there should be a power in the king and in the parliament to make regulations for their safety and well-being. If that power did not exist in the king and in the parliament, what would be the result? That each colony would have to decide for itself whether it would abolish slavery or not within its confines. The right to abolish it or not being, then, vested in each colony, would lead to such a variety of regulations, so pregnant with danger of every description, that all of them would be glad to fly for refuge to the Imperial Parliament from the conflicting decisions of each other. Besides, if the House of Commons were not competent to decide this question, all its present discussions were vain—for there was undoubtedly power in each colony, if it disputed the authority of parliament, to obstruct its designs. He therefore admitted the right and the competency of the Imperial legislature to dispose of this question; but still no man could feel more strongly than he did, the indispensable necessity for our success, that we should dispose of it with the assistance of the Colonial legislatures, and with the concurrence of the great body of the West-India proprietors. Now, the first resolution of the right hon. secretary opposite was, "That it is the opinion of this committee, that immediate and effectual measures be taken for the entire abolition of slavery throughout the colonies, under such provisions for regulating the condition of the negroes, as may combine their welfare with the interests of the proprietors." Now, upon the practical course necessary to carry this resolution into effect, he should express his opinions fairly, as he was no partisan. He would at once frankly say, that nothing could be more fatal to the proper settlement of this question, than to connect it with party considerations. His opinions were, he believed, the opinions but of a small minority in that House; but even if he were told that the unanimous voice of the people of England demanded immediate emancipation, and that a great majority of that House would be contented with nothing less, he would say, that such a fact would not release him from what he considered to be his duty—namely, to state his opinion of what was the fittest course to be pursued in the present emergency. Two plans had been proposed to the committee, as the consequences of this first resolution. Each of them was proposed by high authority. One was proposed by the present right hon. Secretary for the Colonies; the other by a noble lord, who, though he had held a subordinate office, had acquired much greater experience as to colonial affairs than the right hon. secretary. One of them advised immediate emancipation; the other proposed ultimate emancipation, with a system of coerced labour for the next twelve years. Now, if the plan of the right hon. secretary were adopted, he doubted the policy of passing his resolution in the words in which it was couched at present. He doubted the policy of using the words "immediate and effectual measures shall be taken for the entire abolition of slavery throughout the colonies." Those words were calculated to raise expectations which the plan of the right hon. secretary by no means warranted, and that was a great evil in establishing a preliminary resolution. He admitted that this objection was an objection of terms rather than of substance; but still he contended, that the first impression of any man, upon reading this resolution, and especially the first impression of an illiterate and ignorant man, would be this—"You never meant to subject me to coerced labour for twelve years." He thought that measures must be taken on this subject without delay, and that slavery must be ultimately abolished throughout the king's dominions; but if he were inclined to accede to the plan of the right hon. secretary (which he was not), he should say, that the terms in which the right hon. secretary had couched his resolution were impolitic. He thought that the practical liberty secured by the subsequent resolutions should exceed rather than fall short of the expectations raised by the resolutions which went foremost. In the words of that resolution he should like to see an alteration, but he would not move any amendment; he would not even suggest any form of words; but he would merely say, that in his opinion a distinct

and unanimous assurance should be given by the House of Commons, that it would support his Majesty in maintaining the public tranquillity, and in resisting to the utmost any opposition which might be made in any quarter to carrying this law into full effect. Such an accompaniment to the words of the original resolution he thought would be productive of good. If the House of Commons should determine, first, that it has the power to decide this question, and that it will authorize the king's government to apply itself to the adjustment of it; and should determine next to recognise the principle of compensation to the West-Indian proprietors; then it would have taken a great step in advance, and would have armed the government with satisfactory powers to settle this question. By the resolutions passed in May, 1823, the House merely pledged itself to take preliminary measures to qualify the slave for the possession of freedom. The second resolution which Mr. Canning proposed was to this effect:—"That through a determined and persevering, but at the same time judicious and temperate, enforcement of such measures, this House looks forward to a progressive improvement in the character of the slave population, such as may prepare them for a participation in those civil rights and privileges which are enjoyed by other classes of his Majesty's subjects. That this House is anxious for the accomplishment of this purpose, at the earliest period that shall be compatible with the well-being of the slaves themselves, with the safety of the colonies, and with a fair and equitable consideration of the interests of private property." By laying down these principles we had obtained the means of settling this question, and by attending to the progressive improvement of the slave we had taken a great step in advance of the resolutions of 1823, and, in point of fact, the only step which we could have taken with safety. He had heard that it was the intention of some hon. members to propose, as an amendment, the appointment of a committee to examine into the details of this plan. Such an amendment, if proposed, he could not support. He thought that it was much better to leave the details of this plan in the hands of government, than to encumber them with useless support in explaining and amending it. He could not vote for either proposition then before the committee. He could not vote for the noble lord's proposition for immediate, nor for the right hon. secretary's plan for ultimate, emancipation. He felt himself to be so ignorant of all local circumstances, so unacquainted with the affairs of the colonies, as to be unprepared, on the first hearing of these resolutions, to say, whether the plan of the right hon. secretary was or was not the best for the gradual but ultimate abolition of slavery. He would turn to the plan of the noble lord, which was a plan for effecting the immediate abolition of slavery. Though the noble lord was ready to support four or five of the resolutions of the right hon. secretary, he differed from him on others, for the noble lord was a friend to immediate emancipation. Now, there were great authorities opposed to the noble lord on that very point. The right hon. secretary had referred to the authority of Mr. Burke, and had quoted the language which Mr. Burke had used respecting the confidence to be placed in the benevolent designs of the West-India proprietors. The right hon. secretary had reminded the House of that part of Mr. Burke's letter, in which he said that "he had looked to all that the West-Indian legislatures had done; that he had found that they had done little; and that that little was good for nothing—in short, that it was arrant trifling." Mr. Burke stated, that he had no confidence whatever in the colonial assemblies; he asserted the competence of parliament to legislate on these subjects, and contended that the question of the abolition could only be decided by the Imperial legislature. To the opinion thus given by Mr. Burke, he would now oppose another opinion of Mr. Burke, given on this question in the spirit of enlarged humanity. Mr. Burke said—"Whenever, in my proposed reformation, we take our point of departure from a state of slavery, we must precede the donation of freedom by disposing the minds of the objects to a disposition to receive it without danger to themselves or to us. The process of bringing free savages to order and civilisation is very different. When a state of slavery is that upon which we are to work, the very means which lead to liberty must partake of compulsion. The minds of men being crippled with that restraint, can do nothing for themselves; every thing must be done for them. The regulations can owe little to consent. Every thing must be the creature of power. Hence it is, that regulations must be multiplied, particularly as you have two parties to deal with. The planter you must at once

restrain and support, and you must control, at the same time that you ease, the servant." These remarks appeared to him dictated by great wisdom. Many years had elapsed since Mr. Burke first advanced those doctrines: but could any man say that the slave was then better qualified than he is now for the possession of freedom? That was a question, not as to the convenience of the white proprietor, but as to the interests of the slave himself; for the interests of the slave were as much involved as those of the master in the satisfactory solution of this matter. In the course of the discussion, allusion had been made to the opinion of dissatisfaction entertained by Mr. Canning with regard to the proceedings of the West-Indian legislatures. He was compelled to express his full concurrence in the feelings of dissatisfaction entertained by Mr. Canning. He thought that the legislative bodies in the West Indies had not done either all they ought, or all they might. He thought that much of the difficulty of our present situation arose from their reluctance to take measures to satisfy the public mind in this country, and to ameliorate the condition of the slaves in their respective islands. He never could see any objection to qualifying the slave to give evidence in all cases in courts of justice; for he believed that the chief security against falsehood was in the cross-examination to which the slave was exposed; and he could not convince himself that the slave was at present possessed of that skill, and talent, and ingenuity, which would enable him to baffle the efforts of a skilful examiner to sift out the truth before a jury of whites. The question was not, however, whether the legislature of the West Indies had neglected their duty to the slaves, but whether the slaves, in point of moral improvement, were fit for freedom. It would be no answer to him to say, that the legislatures had neglected their duty; for he should reply, "It matters not; prove only to me that the slave is fit for freedom, and I will confer it on him; but I will not confer it on him merely because you tell me that the Colonial Assemblies have neglected their duty." Whilst on this subject, he wished the House to recollect the eloquent language of Mr. Canning, who described the negro as a being with the form and strength of a man, but with the intellect only of a child. "To turn him loose," said Mr. Canning, "in the manhood of his physical strength, in the maturity of his physical passions, but in the infancy of his uninstructed reason, would be to raise up a creature resembling the splendid fiction of a recent romance; the hero of which constructs a human form, with all the corporeal capabilities of man, and with the thews and sinews of a giant; but, being unable to impart to the work of his hands a perception of right and wrong, he finds, too late, that he has only created a more than mortal power of doing mischief, and himself recoils from the monster which he has made." On that occasion, what said the hon. member for Weymouth? He was not going to quote now what the hon. member said then, for the purposes of taunting him with inconsistency; but when the hon. member told the House the other night, that he had not asked for more for the slave in 1823, because in his opinion the public mind at that time was not prepared for more, he took credit to himself for moderation, to which it might be proved from the hon. member's own mouth that he was not entitled. He would prove that to the hon. member's own satisfaction, or, if not to his satisfaction, at least to his conviction. The hon. member did not refrain from asking more for the slave, because he thought that the slave would not benefit from having more—quite the reverse. He said, in as many distinct words, "I think the slave is not qualified at present for freedom—if he were, I would demand it for him at once." The very words the hon. member used were as follows:—"I now come to tell gentleman the course we mean to pursue; and I hope I shall not be deemed imprudent if I throw off all disguise, and state frankly, and without reserve, the object at which we aim. The object at which we aim is the extinction of slavery—nothing less than the extinction of slavery—in nothing less than the whole of the British dominions: not, however, the rapid termination of that state—not the sudden emancipation of the negro—but such preparatory steps, such measures of precaution, as by slow degrees, and in a course of years, first fitting and qualifying the slave for the enjoyment of freedom, shall gently conduct us to the annihilation of slavery. Nothing can more clearly show that we mean nothing rash—nothing rapid—nothing abrupt—nothing bearing any feature of violence, than this—that if I succeed to the fullest extent of my desires, confessedly sanguine, no man will be able to say—I even shall be unable to predict—that at such a time, or in such a

year, slavery will be abolished. In point of fact, it will never be abolished: it will never be destroyed. It will subside; it will decline; it will expire; it will, as it were, burn itself down into its socket and go out. We are far from meaning to attempt to cut down slavery in the full maturity of its vigour. We rather shall leave it gently to decay—slowly, silently, almost imperceptibly, to die away, and to be forgotten." The hon. member for Weymouth said expressly, "I insist on the right of the slave to freedom. I deny that you either have, or ought to have, any property in him. It is from no deference to your wishes, but because I think him yet unqualified for the donation of freedom, that I now decline on his behalf to ask you for it." If such were the opinions of the hon. member then, was it not necessary now that the hon. member should prove that the slave is now qualified for freedom? He (Sir Robert Peel) admitted, that the progressive improvement of the slave since that time might impose upon us the necessity of granting him freedom; but if he had not made that progressive improvement, if he remained still unqualified, then it was against the interests of the slave that freedom should be conferred upon him. If there were any force in this argument in 1823, surely there was as much force in it in the year 1833 as at the former time. He had looked through the evidence which had been collected upon this subject, and he was peculiarly struck with the evidence of Captain Elliot, the protector of slaves at Demerara, who wrote with singular terseness and ability. The leaning of his mind was decidedly against immediate emancipation. He would not detain the House by looking for that gentleman's evidence; but his opinion was, that the slave was not in a condition to be trusted with the power of labouring for his own subsistence. Instances had been mentioned in which freedom had been conferred upon the slave without any danger to the society in which he lived. A gallant admiral had stated facts which fell within his own observation, to justify the inference that freedom might be safely granted to the slave. He had mentioned the case of the Caraccas; but there were circumstances which made that not a case in point. The gallant admiral said, that freedom was then conferred upon the slaves who were labouring in the sugar plantations; but he added, that the country was then divided by conflicting factions—that each manumitted their slaves—that the slaves entered the army, and, after serving some time in it, returned to their plantations and were content to work as free labourers. In this case the severe discipline of the army qualified them for free labourers, and supplied the place of their former coercion. No safe deduction could, however, be drawn from what happened in the Caraccas as to what would happen in the West Indies. In Venezuela the physical distinctions were not so great as in our colonies; and, as was well observed by the noble lord, the member for Liverpool, the slaves did not constitute more than an eighth of the whole population. Now, it might be safe to confer freedom on the slaves where they formed only a small minority of the community, and yet there might be no safety in conferring it upon them where they constituted the great majority. He was not convinced by what he had heard from the hon. member for Weymouth on the present occasion; he would rather be guided by what he had said in 1823. He would now come to the plan of the right hon. secretary, who proposed that the slave should be apprenticed for twelve years to his master but that the slave should be entitled to demand his freedom at any intermediate time, on tendering a certain fixed value: but suppose that some slaves should not wish to demand their freedom at any time, but should prefer remaining as they were, what would follow? Why, that there would still be two classes—one of slaves and one of apprentices; and for the one the whole slave code would have still to be continued. Would not that be a great and inconvenient anomaly? But it was proposed that they, in the present session, should, by an act of the Imperial legislature, make a law which was to apply equally to all the colonies, differing, as they did, in so many things in their internal government, some of them being peopled by English, some by Dutch, and others by French or Spaniards. Was this law to be equally applicable to the Mauritius, to Demerara, and to Jamaica? And were they to pass this general act, applying thus equally to all the colonies, without further enquiry as to whether this plan should be adopted in preference to any other? See how different was the system with respect to the mode of supporting the slave in some of the colonies. In Barbadoes the slave was paid by a sort of truck system, in Jamaica he had a certain

allowance of provisions given to him; but in each of the colonies there was some peculiar difference. How, he would ask, could they, during the present session, arrange all the details necessary for the application of the principle of this resolution to all these colonies? But how was it possible they could do so without the co-operation of the colonists? The House could have no interest in creating angry feelings amongst them, and their co-operation was indispensable to success. The ground which the slave cultivated belonged to his master, as did the house which he inhabited. Was he not to continue in the occupation of both? If he were, was it not of immense importance to the success of the scheme to have the assistance of the planters? Do not trust to them for granting the principle. Take that from parliament; but, in carrying it into execution, do your utmost to secure the goodwill of the planters. It might be said that the colonial legislatures would refuse their assistance, and that colonial proprietors would throw obstacles in the way; but armed as his Majesty's government would be, with the authority of parliament, it would be for the interest of the colonial legislatures and proprietors to co-operate with it; and the House might rely upon their doing so. It was an important part of the noble lord's plan, that it gave the colonial legislatures the choice of the mode in which they would emancipate their slaves. But the plan of the right hon. secretary took away from them the power of performing this act of grace: and might not the right hon. gentleman advantageously borrow, if time were given him to consider of it, that part of the noble lord's plan? At present, you propose to give slaves almost all the privileges of freemen, but have taken no precautions against their abuse of those privileges. It was said, that the government was to have the power of appointing stipendiary magistrates; but none were yet appointed. It was proposed at once to confer freedom upon 800,000 slaves, but as yet no precautions were taken to ensure success. If the people of this country, not satisfied with laying the foundations of ultimate liberty, insisted upon immediately granting it, even to the prejudice of the slave; if they were mad enough to force such a project upon the government, they assumed a responsibility which not only no sane man, but no philanthropist, no real friend to the slave, would be willing to adopt. It was a part of the plan, that all children hereafter born, and all now six years of age, should be free; but would it not be desirable, even for the safety of those children themselves, that preparatory measures should be taken before effecting so great a change? The news that a bill had passed for the emancipation of the slaves in the colonies would reach its destination in September or October, without any preliminary police regulations to ensure the continuance of good order. The master would then have no direct interest in providing for the children of slaves, and the House would have made no provision for their custody and maintenance. Even in foundling hospitals, no sudden accession of children to be provided for could be met without previous preparation. How could any man propose such a change as this, then, without changing the laws which govern the support of children? Was it quite certain that this was the best mode by which slavery could be abolished? In other cases, a gradual abolition had taken place. In South America, Bolivar gave freedom to certain classes of slaves. Slavery had been abolished in some of the United States, but the slaves were liberated in small bodies. In the state of New York, it had been decreed that slavery should expire in ten years from a certain date. In the Spanish colonies a principle was acted upon which did not apply to the present plan. In the Spanish colonies the slave had a greater number of free days allowed him to work. All the Saints-days were holidays. In Cuba, too, various regulations were made in respect to the time which they had allowed to themselves. They had every Sunday besides, and they were paid for their labour on these days. They might demand their freedom by purchase, or, if they had not sufficient money for this, they might purchase another day, so as to have three days to themselves. He knew not whether such a principle was applicable to their own colonies, but it had the great advantage of holding out a stimulus to exertion, while it provided for the gradual extinction of the evil. He was sorry that the hon. member for Weymouth objected to the slave paying any thing. It would act as a stimulus to exertion and industry. He would say, by all means treat the slave with humanity; do not use the whip to force him to work; but could the permanent benefit of the slave be secured without some stimulus to labour? Look at the consequences of emancipation in some of the

Eastern States of America, where slavery had been abolished for some time. In these the price of labour was high; the emancipated slaves had every encouragement to labour; no prejudices existed against them as in other parts of the United States, wages were high; yet in these very states, such was the degradation and misery to which the emancipated slaves were reduced, that philanthropists saw no other remedy for the evil but sending them to a colony on the coast of Africa. Mr. Deway, who was represented as one of the warmest advocates for the abolition of slavery in America, said, that so strong was the feeling of the people with respect to men of colour, that it was utterly impossible to raise them in the scale of society, and that the gift of freedom had only tended to diminish their numbers and means of support, without giving them any real advantage in their moral and civil condition. He mentioned this circumstance, not for the purpose of throwing any difficulties in the way of emancipation, but to show that the regulations with which it ought to be attended required the utmost consideration. The same results would follow in the colonies as in the Eastern States of America if these measures were conducted without due caution. It was not their wish or their object to give domination to the blacks over the whites, but to produce an industrious class of cultivators, willing to labour, and to reap the profits of their industry. This they might effect if they acted so as to conciliate the good-will and co-operation of the colonists. If the experiment now proposed should fail, it might have the effect of retarding the progress of emancipation in other states, and materially affect the situation of their slave population. Unless they proceeded with great caution, they might, in fact, instead of advancing the liberty only confirm the slavery, and do irreparable mischief to the black population. The hon. and gallant admiral (Fleming), in the course of this debate, told them that the blacks in St. Domingo would not work on sugar plantations, but that they were willing enough to perform work of a different kind; that they raised plenty of subsistence for themselves; that they were not in rags or in distress, but had plenty of food and seemed happy. These observations of the hon. and gallant admiral might be applicable enough to the question, if the object proposed by them was to raise up twenty St. Domingos; but their object was not to abandon, but to continue, the cultivation of sugar, to enable the white population to remain in the colonies, and to set the example of order and industry to the blacks. If the plan should fail, what would then be the consequence? There were 4,000,000 cwt. of sugar consumed in this country, the produce of our own colonies. Suppose this cultivation to fail in consequence of this measure, did they think the use of sugar would cease here? Impossible. It had become a necessary of life, and would still continue in as much demand as ever. Now, let those who opposed slavery, who were ready to run any risk for the abolition of it, to endanger life and property for that object, to risk a revenue of £5,000,000—let them consider what might be the effects on slaves of other states if this experiment did not succeed. The gallant admiral informed them, that free blacks would not labour on sugar plantations. Well, then, let some stimulus be provided, to induce them to labour in the cultivation of sugar, in lieu of coercion; or otherwise, while they emancipated their own slaves, they must aggravate the miseries of the slaves of other colonies. Our colonies might become wildernesses; to-morrow they might be all reduced to the same state as St. Domingo, but sugar would continue to be used. It had become a necessary of life, and no revenue regulations could possibly prevent the introduction of it into the country. What, then, must follow? If the cultivation ceased in our own colonies, other colonies would supply the demand. In many colonies the traffic in slaves still continued. Would it not still continue, when the demand for sugar, the produce of these colonies, would be increased by the demand from this country? Even if the slave trade should be abolished as regarded other states, would not the existing slave population be more hardly worked to supply the increased demand? It might be said, they had nothing to do with the slaves of other states, that their business was only to emancipate those of their own colonies. It might be so, legally speaking; but was there no moral responsibility? Would it not be an aggravation of the evil which it was the object of those benevolent individuals to prevent? If our experiment should fail, would not the failure deter other states from following our example? It had been said by the hon. and learned member for Dublin, that no pecuniary consideration should prevent their adoption of the principle of emancipation. The

question, he said, was one of humanity. That was exactly the language held by the national convention of France. On the 4th of February, 1794, the national convention determined on the abolition of slavery. The assembly was just as impatient to come to a division on the question, as some hon. members then appeared to be. Two deputies from St. Domingo were presented to the representatives of the nation, and were received with the warmest expressions of interest and fraternity. Several members spoke of the right of the coloured people to immediate emancipation, and one called upon the assembly not to dishonour itself by further discussion. The assembly rose, and voted by acclamation; and the president pronounced the abolition of slavery, amidst cries of "*Vive la Republique!*"—" *Vive la Convention Nationale!*" The deputies were conducted to the president, who gave them the fraternal kiss, which was also given them by the whole assembly. Tears of joy were in all eyes,— "*Vive la Liberté!*" in all mouths—and Danton made a speech, in which he proclaimed the triumph of liberty, and the downfall of England. He would abstain from detailing the atrocities which followed in St. Domingo—the House was well acquainted with them. He would only observe, that all the disorders which had been described as occurring there, also occurred in the French colony of Guadalupe. A general officer, reporting upon the state of that island shortly after the emancipation of the slaves, described all the habitations as ruined, all the proprietors reduced to a state of beggary, and the slaves as having turned pirates, to attack neutrals and the English, by whom many of them were taken and sold as slaves. Seeing this wretched state of things, the French governor attempted to enforce in Guadalupe the regulations adopted by Toussaint in St. Domingo; but he being a white, they resisted the imposition of those regulations. Torrents of blood were shed; and, finally, slavery was again established in Guadalupe, as a less evil than liberty indiscriminately given. With these warnings before them, he implored the House, for the sake of the slaves themselves, to come to no precipitate decision on the question. He implored it, after recognising the principle embodied in the first resolution, to apply it with discretion, and to take care that they did not, by legislation, increase the hardships of slaves in the Brazils and Spanish colonies, instead of obtaining any mitigation of their lot. Let them not lay themselves open to the taunt—"Had you tried your experiment with more caution, we might have been free." If they proceeded cautiously, they might probably have the satisfaction—the highest which a Christian legislature—which human beings—could enjoy—of setting an example of such wisely-regulated humanity, that it was worthy of being followed by all the world. But if they refused, after establishing the principle of liberty, to accommodate that principle to the state of society in the colonies—if they proved that the emancipation of the slaves was not accompanied with increased security to life and property—if they induced the United States, with two millions of slaves, to persevere in refusing to them religious education and knowledge of all kinds, for fear of the use they might make of it, they would sacrifice the interests of England, and would incur, if not the guilt, the grave responsibility of having, by a precipitate attempt to ameliorate the condition of our own slaves, aggravated the hardships of those who were exposed to a more bitter fate in other parts of the world.

Lord Althorp concurred almost entirely in the observations of the right hon. baronet (Sir Robert Peel). The only difference between the course recommended by the right hon. gentleman, and that proposed by government, was in the point of time. Looking at the resolutions, however, in every point of view, he thought them the most desirable for the committee to adopt, and he trusted such was the view taken of them by the great majority of members.

Sir Robert Peel then moved, in order to mark his opinion of the impolicy of any hasty measure, that the word "immediate" be expunged, and the word "effectual" should be substituted. Also, that the word "ultimate" should be introduced; so that the resolution should run, "that effectual measures should be taken to secure the ultimate abolition of slavery." (No, no!) He should not press it to a division; but, as immediate abolition could not take place, he thought the resolution thus amended would be more consistent with the acknowledged intentions of the government.

The amendment was negatived; the first resolution put and agreed to, viz.:— "That it is the opinion of this Committee, that immediate and effectual measures

be taken for the entire Abolition of Slavery throughout the Colonies, under such provisions for regulating the condition of the negroes as may combine their welfare with the interests of the proprietors."

The House resumed. Committee to sit again.

RELATIONS WITH PORTUGAL.

JUNE 6, 1833.

Colonel Davies, after eulogising the policy of government with regard to Portugal, moved, "That an humble address be presented to his Majesty, expressing to his Majesty the regret felt by this House at the continuance of hostilities in Portugal, and their grateful acknowledgment of the judicious policy which his Majesty has pursued with reference to the affairs of that country."

Lord Morpeth seconded the motion.

Sir Henry Hardinge, Mr. Robinson, Lord John Russell, and Mr. O'Connell, then addressed the House; the last-named gentleman having in an eloquent speech denounced Don Miguel as a perjured man, a usurper, a murderer, and a traitor to his father and his country, signified his intention to give the motion his most hearty support.

SIR ROBERT PEEL said, he could understand the motives which induced the hon. and learned gentleman to support the resolution of the hon. and gallant officer. The hon. and learned gentleman had become that evening an open and eloquent advocate of the principle, that we should directly interfere with the domestic government of another and an independent country. He would annihilate in another nation the right of judgment, and would give it a different government, because he disapproved of the ruler it had chosen for itself. The hon. and learned gentleman would have us not limit ourselves to the barren expression of disapprobation—he would go so far as to send regiments to a foreign country, to dictate who should be its sovereign. The hon. and learned gentleman's advice went that length. The hon. and learned gentleman did not justify neutrality; but because he disapproved of Don Miguel, he would resort to war to dispossess that prince of his throne, and supply that throne with a successor. And this was the doctrine of a gentleman who was an eloquent teacher in that school which laid it down as a fundamental rule, that we should not interfere in the domestic concerns of other nations. That school recognised as their leading principle, that every people should be left to choose their own government. He thought that the hon. and learned gentleman was one of the most ardent and eloquent defenders of those principles; but that night the hon. and learned gentleman had contended for the abominable tyranny, that we might interfere for what he called freedom, and that tyranny, if covered with the veil of liberalism, might be forced upon people at the point of the bayonet. If tyranny were only employed to support liberalism, it appeared that there was no tyranny the hon. and learned gentleman was not ready to support. There was no war in which he was not ready to involve the country for the sake of his principles, nor any lengths to which he would not go to put down an individual to whom he was opposed. "Recognise Don Miguel!" said the hon. gentleman, "Was there ever such a monstrous proposition? What! recognise a perjurer and a murderer? Impossible!" But the merits of Don Miguel had nothing whatever to do with the proposition before the House. Admitting that he had been guilty of all sorts of crimes, that he was a monster, and guilty of perjury, what had that to do with the question whether we had observed the neutrality we professed? When the hon. member for Worcester spoke of him as a person unworthy to reign, and as a person whom it would be improper to recognise, the noble lord (Lord Palmerston) held up his hand as giving that sentiment his full approbation; but before the noble lord did that, he should recollect the opinions of his colleagues, and particularly of the noble lord, the Chancellor of the Exchequer. The Chancellor of the Exchequer, in the debate on the king's speech, before the noble lord came into office, which said that it hoped the time would soon come when Don Miguel might be recognised by this country—the noble lord said in the debate on that speech, "that this part of the speech he heartily approved of, and

in his opinion there had been too long a delay in recognising Don Miguel." [Lord Althorp said, he did not say that the delay had been too long, but that the time had come]. He begged the noble lord's pardon; but he saw very little difference between what he had attributed to the noble lord and what the noble lord admitted he had said. The noble lord did not say that the delay had been too long, but that the time had come when Don Miguel ought to be recognised. That was a distinct opinion, given some years ago; and since then a considerable time had elapsed, calculated to prove the stability and security of Don Miguel's government, making the non-recognition of it less excusable on the part of the government; for with his character that recognition had nothing whatever to do. He would not enter into the character of Don Pedro, nor advert to his supplanting his father. The history of that, though curious, might be very unprofitable. But he would ask the House to put aside all feelings of this description—he would ask them to look at the permanent policy of England, and determine if it was a safe principle to refuse to acknowledge a sovereign on account of his personal misconduct? He would ask them to be guided—not by their feelings—but by those principles which must regulate our public policy. The principle, that the character of an individual sovereign should not interfere with public policy, had long been advocated by the Whigs themselves. Discussions on this subject had taken place during the revolutionary war, and Mr. Fox had then expressly declared, that the private character of a ruler should not prevent the government from recognising him. Let the House look at the debate in 1800, on the overture made by the French Republic to the government of this country, to enter into negotiations. In that debate Mr. Fox said:—"I am not justifying the French—I am not striving to absolve them from blame, either in their internal or external policy. I think, on the contrary, that their successive rulers have been as bad and as execrable, in various instances, as any of the most despotic and unprincipled governments that the world ever saw. No man regrets, Sir, more than I do, the enormities that France has committed; but how do they bear upon the question as it now stands? Are we for ever to deprive ourselves of the benefits of peace, because France has perpetrated acts of injustice? Sir, we cannot acquit ourselves upon such ground. Sir, we have heard to-night a great many most acrimonious invectives against Buonaparte—against the whole course of his conduct, and against the unprincipled manner in which he seized upon the reins of government. I will not make his defence—I think all this sort of invective, which is used only to inflame the passions of this House and of the country, exceedingly ill-timed, and very impolitic." He thought the language of Mr. Fox then was exactly applicable to Don Miguel now; and the language which he applied to the character of Buonaparte might, with equal justice, be applied to Don Miguel. The simple question to be decided in such case was only who was, *de facto*, sovereign, who had a sufficient testimony in the continued obedience of his subjects, and the sanction of the authorities of the country, that he could maintain and preserve the usual relations with other states? What endless disputes would be caused if the recognition of sovereigns were made to depend on their private characters? They must not make a public enquiry into the character of the government, but into that of the individual; and if the character of the sovereign were bad, the government was to be considered as deserving of no faith or confidence. If they were to look at the private character of sovereigns, they could keep up no relations with the Porte. What, also, could be done with respect to Morocco or Algiers? He repeated, that principles of public policy, and not of individual character, were the only proper guides on such questions. In the debate already alluded to, Mr. Fox had defended the principle, that the character of Buonaparte should not weigh with the government of England; and the same arguments might be applied to Don Miguel. Mr. Fox observed, "It was said Cromwell was a usurper, but would it not have been insanity in France and Spain to refuse to treat with him because he was a usurper? No, Sir, these are not the maxims by which governments are actuated. They do not enquire so much into the means by which power may have been acquired, as into the fact of where the power resides. The people did acquiesce in the government of Cromwell; but it may be said, that the splendour of his talents, the vigour of his administration, the high tone with which he spoke to foreign nations, the success of his arms, and the character which he gave to the English name, induced the nation to acquiesce in his

usurpation; and that we must not try Buonaparte by this example." Mr. Fox scouted the idea, that if the government were not fit for the people they would readily obey it. Mr. Fox said, it was enough for us that the people did obey the government of France, of whatever materials it might be composed. That principle was now applicable to Portugal. However strange might be the choice made by the Portuguese, the character of their sovereign was of no consequence to other nations. His Majesty's government had, in fact, already decided every question which could arise as to character, by professing neutrality. We had determined on neutrality, and the question was—had neutrality been observed? The noble lord said, that his wishes were in favour of Don Pedro; but if the noble lord had suffered those wishes to influence his conduct after advising his Majesty to preserve neutrality, he had done wrong. After giving such advice, it was his business to see that the measures of neutrality, as laid down in the laws of nations, should be enforced. How had the government maintained this neutrality? The speech from the throne declared that non-interference in the contest which existed should guide this country, and that we should adhere to the strictest neutrality; and how had that declaration been followed? Why, large parties of his Majesty's subjects had engaged in direct hostility against one of the parties? The question was, whether, in suffering these expeditions of disciplined troops to go from our shores, we had preserved neutrality? The noble lord had referred to the cases of individuals, and mentioned Sir Robert Wilson and others who had entered into foreign service; but there was a great difference between individuals entering into a foreign service during a contest between nations, and whole fleets going from our shores, to assist one of two contending parties. It was not prudent in the noble lord to point attention to the conduct of individuals in such cases, because the government had found it necessary sometimes to punish such individuals as were guilty of that very breach of neutrality which the noble lord quoted their example to prove had not been broken. The noble lord had said he would refer the House to the speech of Sir James Mackintosh—but how did that apply to the present case? The argument of Sir James Mackintosh went merely to this—not that the government should not enforce the existing law—not that they should not issue a proclamation founded on statute-law, but that they should not, at the remonstrance of Spain, alter the law and adopt a new course of legislation. Sir James Mackintosh said, there would be no end to the demands of foreign powers if the principle were once admitted that our system of jurisprudence were to be altered at their pleasure. But he as distinctly asserted that the law, whatever it was, ought to be enforced. When the noble lord dwelt with so much satisfaction on the argument of Sir James Mackintosh, he entirely refuted the arguments of one of his own colleagues, the Judge-advocate, who replied to Sir James Mackintosh on that occasion, and destroyed every principle he maintained; sustaining one of the ablest arguments he had ever heard brought forward in parliament in favour of this principle—that it was a violation of neutrality for individual members of the state to carry on war after the state itself had declared its neutrality. These opinions on the principles of law were not subject to change. He asked how those who contended that the hostile expedition sent from this country was not at variance with neutrality, could reconcile that doctrine with the deliberate opinions of the great writers on the law of nations. But knowing the distaste of the House for such references, he would merely read the summary of the opinion of the Judge-advocate—a lawyer—a man deeply versed in these matters, who had made them his study, and whose deliberate opinion, thus strongly pronounced, could not be disputed. He said:—"On the whole, not only was the weight of authority in favour of the principle of the bill, but not a single authority, or the shade of it, could be found in opposition to this plain, clear, and irrefutable position, that when a neutral nation knowingly permitted the levying of troops in its territory by one of two contending parties, and had gone so far as very materially to sway the fortunes of the war, then such nation was virtually departing from its neutral character, and assuming that of an enemy—at the same time in the worst manner, because not directly." This position was deliberately taken by a man of great learning, who had looked into the authorities—by a man chosen for one of the now highest law-officers, who laid down the principle, "That if your subject so interfere as materially to sway the fortunes of the war, in that case it is a departure from neutrality on your part, and it is worse than war, because you are

exempting yourselves from responsibility." He did not contend that individuals entering into the service of this state or that, would necessarily call upon the government for interference; but if the government took no means whatever to prevent hostile expeditions sailing from our arsenals, which vary the fortunes of the war, then he affirmed that, according to the principles of the present Judge-advocate, that was a departure from the established principles of neutrality. The noble lord referred to the principles of Mr. Canning: he said, Mr. Canning never interfered, and that he allowed steam-boats to sail without men. The noble lord said, he believed that, with respect to some particular vessel, the powers of the law were appealed to; but that Mr. Canning stated that, on reference to the law-officers, they were of opinion that the affidavits presented did not bring that vessel within the strict letter of the law. Without knowing the nature of the case submitted to the law-officers, he knew not what weight to attach to their opinion; and, consequently, he did not know whether the noble lord's remarks were well founded. But there was a public proclamation issued in council, when Mr. Canning was Secretary of State, at a period when this very question arose:—"Is it consistent with the avowed neutrality of this country, for English subjects to demean themselves, in respect to hostilities, in a manner different from that pursued by the sovereign of their state?" He did not care about the case of a single vessel; but when a complaint was made to Mr. Canning in his capacity of Secretary of State, that British subjects were contravening the authority of the British government—what course did Mr. Canning pursue, and what principles did he lay down. Now there was a proclamation of the king in council, bearing date October 4th, 1825, which was most important. It said, "Whereas his Majesty, being at peace with all the powers and states of Europe and America, has repeatedly declared his royal determination to maintain a strict and impartial neutrality in the different contests in which certain of those powers and subjects are engaged; and whereas the commission of acts of hostility by individual subjects of his Majesty against any power or state, or against the persons and properties of the subjects of any power or state, which, being at peace with his Majesty, is at the same time engaged in a contest, with respect to which his Majesty has declared his determination to be neutral, is calculated to bring into question the sincerity of his Majesty's subjects. And whereas, if his Majesty's subjects cannot be effectually restrained from such unwarranted commission of acts of hostility, it may be justly apprehended that the government of England might be thereby liable"—and so on. "His Majesty does hereby enjoin all his Majesty's subjects, strictly to observe as well towards the Greeks as all other belligerents with whom his Majesty is at peace, neutrality and respect for the exercise of those rights which his Majesty has always continued to exercise when his Majesty has himself been unhappily engaged in war." That was the doctrine which Mr. Canning held, and on which his Majesty's ministers ought now to act. At a period when all the sympathies of the nation were in favour of Greece, did Mr. Canning come down to the House and excite its feeling, as he might have done, by painting in glowing colours the atrocities committed by the Sublime Porte? Did he try to raise their passions by detailing the slaughter of 1,500 Janissaries, in one night, at Constantinople? No: he said, "We have maintained certain relations with this power. If its subjects have a right of complaint, let them obtain redress for their own wrongs by force; but the policy of England, and the principles of the law of nations, dictate to us not to meddle with the internal affairs of other nations—not to enquire into the details of the seraglio of the Grand Sultan—not to investigate the atrocities he may have committed against this man or against that woman. He is recognised by his own subjects—he is recognised by the constituted authorities—and it would be absurd in us to constitute ourselves the judges of his conduct." The noble lord who referred to the authority of Mr. Canning, had it in that proclamation in aid of that of his Judge-advocate, and the principles of the Judge-advocate and the practice of Mr. Canning were consistent with each other. The noble lord maintained the alarming proposition—that the subjects of this country had a right to judge for themselves into what hostilities they would enter. The noble lord said the dominion of all law was at an end: the king's government maintained its neutrality—it gave orders to its own ships of war to abstain from interference; but it was a matter of entire indifference what the subjects of his Majesty did. He lamented to hear such a doctrine, because, if it

were practically acted upon with respect to powerful states, there could be no security for the continuance of peace for a single year. It might serve to neglect the observance of such a principle in the case of Portugal; it might be well to neglect it in the case of those who had not the power to avenge their wrongs; but neglect it either in the case of the United States, or in the case of France, and what would be the consequence? Why, if the noble lord were to maintain, in case a powerful insurrection had arisen in La Vendée, directed against the government of Louis Philippe in France, that it would have been a matter of entire indifference whether Charles X., residing at Holyrood, had employed £200,000 or £300,000 in the purchase of steam-boats—had employed British officers, concurring with him in political principles, in the command of hostile expeditions—and had directed that force against the lawful authority of Louis Philippe on the eastern coast of France, could he have expected that France would not have remonstrated, and would it have been sufficient for the noble lord to have said, in answer to those remonstrances, "These are the unauthorized acts of the king's subjects?" Would the government, after complaint made of the unauthorized nature of the acts, have ordered the release of the vessels, and refused to hear additional evidence of the illegality of the transaction when it was offered? In the event of an insurrection in the United States on the part of the black population, if individuals, concurring in the opinion of that population as to their rights, should employ themselves as they pleased in advancing and promoting that insurrection—would it be a sufficient answer on our part to say to the United States, "This is done without the authority of the government of England—individuals are making use of our force, but we cannot help it—they are making use of the advantages of our geographical position, in order to carry sword and flame into the territories of a country towards which we are professing friendship, but we cannot interfere?" It would be utterly impossible—and God forbid that it should be possible to act on any such doctrine! Imagine the case of a dispute in France—the right of succession—and conceive the immense advantages which our position would give to one of the hostile powers, if we allowed him to avail himself of it. Was it possible to say, that a government, responsible for the maintenance of public peace, had no power to control its subjects in the prosecution of their warlike designs? And, above all, could it be said that commissioned officers of the king—men who have obtained naval and military experience by service in the armies and fleets of England—that they should have the power of rendering their skill, experience, and bravery subservient to the purposes of another state? Over them, at least, the king had a direct control; his Majesty might issue a proclamation directing them to return to this country, and he had the power of enforcing his orders. It had been asked, why should invidious comparisons be drawn between Sir John Campbell and Admiral Sartorius? He had heard no such invidious comparisons. He did not ask the government to withdraw its subjects from the service of one of these conflicting powers, but from both, if their assistance to either be contrary to the interests of this country, and in opposition to the principles upon which this government ought to have proceeded. That was the course which the government ought to have pursued, in conformity with its own declared principles. It was monstrous that the subjects of the king should have the power of making war against a power towards which the country was pledged to remain neutral. He did not speak of a few individuals going to the opposite side, as occurred in the case of the American war. His objection was not so much against individual instances, as against the system of sending out expeditions such as had been known to leave Falmouth and Spithead. To treat such expeditions as the acts of individuals merely, was laying down a dangerous principle—a principle which would lead to war, and a war in which he thought we could not fail to be involved. He now came to consider the propositions submitted to the House by the gallant member. To the first of those propositions he could have no possible objection, because it merely stated the regret of the House at the continuance of hostilities in Portugal. The hon. gentleman called on the House, by his resolution, to express their regret at the continuance of the contest in Portugal; to that he had no objection, but to the extraordinary *non sequitur* which followed, he certainly could not assent. The hon. gentleman called upon the House to express their grateful acknowledgments for the judicious policy which his Majesty's ministers had pursued in relation to that country. That policy was, in his opinion, much to be deprecated;

for the present hostilities in Portugal were, in his opinion, mainly the result of the course pursued by his Majesty's government. What would be the consequence of Don Pedro's success? He had seen a portion of the correspondence between his Majesty's government and Spain, published in the *Augsburg Gazette*, in which they interdicted Spain from interfering with the contest in Portugal; and they laid down this undeniable basis of neutrality—that the independence of Portugal would be but a phrase without a meaning, if the sovereign of that country were to be placed upon the throne, not by the rights of birth, or by the support of the nation, but by the bayonets of foreigners. He would ask, then, if Don Pedro succeeded, to what would he owe his success but to foreign bayonets? There never was, perhaps, a sovereign put to a severer task than Don Miguel. What was the result? Why, notwithstanding his breach of fidelity, there was still proof that he held his power by the will of the people. This, indeed, was the only question to consider—did the people of Portugal, or did they not, approve of Don Miguel as their sovereign? What were the facts? The second city in the country had been for several months in the possession of Don Pedro; yet not one single village—no constituted authorities—no class of the people, had declared in his favour. The Portuguese had declared their preference of the rule of Don Miguel to that of Don Pedro. If ever there was a temptation for men dissatisfied with the rule of the existing government to declare their dissatisfaction, it was in the case of Portugal. There was both temptation and opportunity; for the governments of England and France had thrown their whole weight into the scale of Don Pedro. What, then, would be the consequence of Don Pedro's success? He would answer them in their own words, that the independence of Portugal would become a phrase without a meaning, if that sovereign were elevated to the throne, not by the support of the nation, but by the bayonets of foreigners. Let the aid he derived from our forts and arsenals be withdrawn from him, and he would be immediately compelled to leave the country. The best feelings, the pride, the honour of the Portuguese, revolted at the attempt to impose his rule over them by foreign aid; and, if the attempt proved successful, indignation would, for ages to come, be universally felt throughout the nation. If his Majesty's ministers, in their anxiety to secure the peace of Europe, had thought fit to interfere in the internal affairs of Greece and Holland and Belgium, what right had they to interdict Spain from interfering in those of Portugal, especially since they had not themselves maintained a like neutrality? How much more right had not Spain so to interfere upon the principles of intervention avowed by his Majesty's ministers? How much more dangerous to Spain was the continuance of hostilities in Portugal! Why, he would ask in conclusion, was not Don Miguel recognised two years ago, when the whole people of Portugal were satisfied with his sway? What the vote of the House might be on the present question he did not know. For himself, having uniformly disapproved of the policy pursued by government with respect to Portugal, deeming it both unjust to the Portuguese people and dangerous to this country; and thinking, besides, that the success of the favoured party would be fraught with still more danger and injustice, he should refuse to give his assent to the propositions brought forward that night.

Lord John Russell, in explanation, said that he never denied the right of the Crown to interfere to prevent the levying of men for foreign service, but only expressed a doubt of that right being practicable of enforcement in many instances.

Viscount Palmerston having replied, the House divided—Ayes, 361; Noes, 98; Majority, 263. The motion was agreed to, and an address ordered to be presented to his Majesty.

COLLECTION OF TITHES (IRELAND).

JUNE 7, 1833.

Mr. O'Connell moved for a return of the number of writs, issued or sealed by the Court of King's Bench, the Court of Common Pleas, and the law side of the Exchequer in Ireland, from the last day of April to the 10th of June, 1832, distinguishing in how many of those cases clergymen were plaintiffs; also, a similar return for the same period in the year 1833.

A desultory conversation ensued, in the course of which Sir Edward Knatchbull suggested to the noble lord (Althorp) the propriety of postponing for the present, the introduction of any measure on the subject of the Church Establishment.

Lord Althorp found it impossible to do so; and it certainly was his intention, and he should feel it his duty, to press the measures with reference to the Church this session.

SIR ROBERT PEEL thought, that it would facilitate the other business of the session if the noble lord would postpone the English Tithe Commutation Bill to the next session, or refer its details to a committee above-stairs. In the present state of the business, it could not be expected that they could get into the committee on the bill in less than a month from this time. They would then be in the dog-days, and he need not remind the House of the great difficulty of getting a full attendance at that time of the year; and, certainly, the dry discussion on the details of the measure would be no great inducement to members to attend. He would, therefore, urge the propriety of sending the details of the bill to a committee up-stairs. The present state of business on the paper was almost a disgrace to the House. It was utterly impossible that it could be gone through in the present session. He was aware that the noble lord had no control over the business brought forward by others, but he had over the business of government; and he hoped, therefore, that he would not allow any new business to be brought in until at least there was some prospect of disposing of what they had already before them. He should wish that the noble lord would take two or three days to consider the actual state of the public business, and then decide on what should be submitted to the consideration of the House; for what with the attendance at the early sittings of the House, the attendance in committees up-stairs, and the late sittings in the House at night, and allowing some short time for attention to domestic affairs, it was impossible that members could get through the business which now stood on the book; and yet, in the midst of this pressure, he was not a little surprised to hear the Solicitor-general give notice of a bill for the abolition of imprisonment for debt. There should, he repeated, be some understanding with government as to the business which was to be pressed on the attention of the House.

After a short discussion, the motion was agreed to.

CHURCH TEMPORALITIES (IRELAND).

JUNE 21, 1833.

On the motion of Mr. Stanley, the House resolved itself into a Committee on this Bill, and a number of clauses were agreed to.

On clause 147 being read, a warm and animated discussion ensued; rising after Mr. O'Connell,—

SIR ROBERT PEEL said, he did not rise for the purpose of taking any part in the warm conflict which had arisen, but merely for the purpose of stating the opinion he had originally entertained with respect to this clause. He came down to the House this evening, with the intention of giving his cordial support to the amendment of the hon. member for Newcastle-under-Line, that whatever surplus there might be from the improved value of the bishop's lands should be applied to the purposes of the united churches of England and Ireland. The object of that amendment seemed to him to be fully answered by the proposition of the right hon. gentleman, and he therefore supposed that the hon. member would not think it necessary to press his amendment. But there was one observation he must notice. The hon. and learned member for Dublin had said, that this measure of the government had been adopted in consequence of a compromise with their opponents. For himself, he utterly disclaimed all knowledge of any such compromise, and he declared that, when he entered that House this evening, he did not know what was the intention of the government. He disapproved of all compromises, and he owed it to the gentlemen with whom he acted to say they did the same. In giving his assent, therefore, to any part of the bill, he was free as air as to the rest, and in public matters that was the course he should generally pursue. He disapproved of compromises, for

when once they were made, they not only did not gain the confidence of an opponent, but they most certainly lost that of the men who had been accustomed to follow and rely upon those who made it. He entirely approved of the course the government had adopted on the present occasion in omitting this clause, but he did not much rejoice in it, for he was able to show that there never would and never could be a surplus. The principle against which he, on another occasion, had protested was, not that they had no right to apply Church property to secular purposes—for he had no occasion to dispute that point—but that, if the legislature gave a new value to Church property, that new value belonged to the Church alone. But of all the extraordinary propositions he had ever heard, that of the hon. member for Middlesex, who was always complaining of absenteeism, and who, nevertheless, proposed to abolish all but four Irish bishops; and for this reason, of all others, that they were entitled to sit in parliament, was the most extraordinary. That was the way in which the hon. member proposed to remedy the non-residence of the higher clergy. He should say no more now, than that he supported the proposition of the right hon. gentleman with respect to this clause; but in doing so he did not think himself pledged to agree to any other clause in the bill.

The committee divided on the question, that the clause stand part of the bill:—Ayes, 149; Noes, 280; Majority, 131. The House resumed—the committee to sit again.

JUNE 24, 1833.

On the 56th clause, which had been postponed, being read,—

Mr. O'Connell moved an amendment to the effect of totally repealing the 7th of George IV., which, he contended, perpetuated the worst machinery of the Irish Vestry system. Without this repeal the clause would be wholly inefficacious as a means of relieving the Catholics from the Vestry-cess.

SIR ROBERT PEELE never heard a question mooted where there appeared so little real ground for difference of opinion. The object of the bill was to do away with an exclusive Protestant vestry altogether. That was done, and all that was retained was what might be effected for general purposes by Protestants and Catholics indiscriminately. The hon. and learned member for Dublin contended for the total repeal of the 7th George IV.; but the effect of this would be to repeal all the statutes by which any provision existed for the poor in Ireland. At present some provision was allowed to be made for the poor, and, from the nature of things, the Roman Catholics must benefit by it. He would take from the return before him St. Mary's parish. There a sum of £248 was voted by the vestry, to which Catholics were admitted. Of this one item was £40 for coffins for the poor. Of that it could not be doubted Catholics had their share. The next item was £100 for foundlings, and here also the same principle would apply. The system of thus providing for deserted children might be in itself unwise; but was this and all the other aids thus afforded to be at once done away with, and without any substitute?

Mr. O'Connell said, that Catholics, though legally admissible to these vestries, were in fact excluded. In Dublin, they were held in vestry-rooms perhaps twelve feet by ten in extent, and the mass of the parishoners were kept out. As to the £40 for coffins in St. Mary's parish, he would allege that not 10s. of that sum were applied to the burial of Catholics. His objection was to the machinery of the 7th George IV., which was highly obnoxious.

On a division, Mr. O'Connell's amendment was negatived by 189 to 48; majority, 141. The clause was agreed to.

On clause 110 being put, which enacts that the commissioners may suspend the appointment of clerks to rectories, &c., where divine worship shall have been intermitted for three years,—

SIR ROBERT PEELE said, that his objection to the proposition before the House was, that instead of encouraging the performance of divine service in parishes where it had not been for some time performed, the bill proceeded upon the principle of preventing its performance in future. The right hon. gentleman asks whether we would have a church built in every parish, whether there was a congregation there or not? By no means—but in parishes where it might not be deemed advisable to build a church, it might be advisable to license a house for divine service. He said

not certainly mean to say, that even out of these funds they should in every case be at the expense of building a church; but the utmost benefit having arisen from providing a house for the celebration of divine service where there was no church, he did not think the House ought to object to the adoption of a plan which could not be attended with a fiftieth part of the expense of building a church. The House would be enabled to judge of the value of the plan, when he stated that even in the wild districts of Cunnemara, where there was generally supposed to be no Protestant population, congregations had come to places so licensed. He held in his hand a list of the houses licensed in the diocese of Tuam, where the Roman Catholic population had an immense preponderance. By this list it appeared that one of the houses was attended by a congregation amounting to 120, another by a congregation of sixty, and a third by a congregation of seventy-five. Now, although the House might not deem it right to build churches for these small congregations, he did contend that it was the duty of the House to provide them with the means of attending divine worship. The right hon. gentleman appeared to think that, upon the whole, the measure would be beneficial to the Protestant Church in Ireland; but he must say, that he greatly doubted whether the bill contained any thing which could compensate for the shock which that and other clauses would give to Protestant feeling in that country. The right hon. gentleman, in justification of the clause, to which he had previously adverted, referred the House to the return upon the table, showing the number of benefices in which divine worship had not been performed for three years; but the return was so imperfect as hardly to afford the House the means of forming a correct judgment. Taking it, however, as he found it, he could not agree in the conclusion that the evil which the clause was intended to remedy was a very crying one. He took up the first page, and he found that in the diocese of Clogher there was not a single benefice to which the clause would apply. He turned to the next diocese—that of Meath—and he found eight benefices in which divine service had not been performed for the last three years. But out of these eight there were only two to which the clause could apply, for the remaining six were in the hands of lay patrons. In Down he found only two benefices returned, but in neither of them would the clause apply. In the next diocese there was only one benefice to which the clause could apply—so that in the three first pages of the return he did not find more than three benefices to which the clause would apply; and was it, he would ask, worth while to adopt so dangerous a principle where the evil complained of was, comparatively speaking, of so trifling a nature? He went on, and found that in Raphoe and Dromore there were no benefices to which the clause would apply—and that in Ossory, out of twelve benefices, in which divine service had not been performed for three years, there were only six which came within its provisions. The right hon. gentleman had quoted Limerick, in which there were sixteen benefices to which the clause would apply. [Mr. Stanley: twenty-seven]. Yes, twenty-seven benefices in the whole, but only fifteen or sixteen upon which the clause could be brought to act. But in none of these cases had we any calculation of the value of the benefices, of the amount of the population, or now far the licensing a house for divine service might be found expedient. He thought it necessary that the Protestant feeling in Ireland ought to be consulted upon this subject, and that the House should pause before it led the Protestants of Ireland to believe that parliament was capable of countenancing any plan which discouraged the Protestant religion. Suppose, as had been well urged by his hon. and learned friend, the member for the University of Dublin (Mr. Shaw), that the principle now about to be acted upon had been adopted in the year 1800. Since that period 500 churches and 500 glebe-houses had been built in Ireland, and there was no doubt that half of them never would have been built, had such a bill as that then before the House been passed thirty years ago; and of course, so many places would have been deprived of the benefit of a resident clergyman, and the means of attending divine service. What he would now, however, ask of the House was, not that a Church should be built in every parish, but that a house should be allowed to be licensed where divine service might be performed, in those parishes wherein the building of a church might be too expensive, and not absolutely necessary for the accommodation of the inhabitants. If the right hon. gentleman would deduct the number of benefices from the return to which the clause would not apply, he

would see that the practical result would be small indeed, and would but ill compensate for the offence which would be given by it to the Protestant feeling in Ireland, and for the apparent indifference of the House of Commons to the religious wants of the people.

Mr. Secretary Stanley, to remove all difficulty, was willing to take the date of the return as the period from which the three years should be computed. He therefore moved to insert the words, "three years next preceding the 1st of February, 1833."

The clause, as amended, was agreed to, as were also the clauses to 148, and the House resumed; the committee to sit next day.

JUNE 25, 1833.

Mr. Secretary Stanley, on moving the first part of schedule A, fixing the yearly tax chargeable upon all benefices—observed, that the schedule had been formed on the principle of a per centage, increasing according to the value of the living, and commencing at 5 per cent. upon livings of £200 value.

SIR ROBERT PEEL said, that he would call the particular attention of the House to the few observations and the proposition he was about to make. He must first give his opinion as a general proposition—that this was a most unfortunate time for setting about to impose a fixed tax upon the incomes of the Church of Ireland, when there existed such peculiar uncertainty as to the amount of that income. Why, the House had, within no extended period, been under the necessity of voting two separate sums of money to the Irish Church, in order to relieve them from the necessity of going to the trouble and expense of law for the attainment of their legal rights. For all he could see, they would still labour under the same difficulties, even after November this year. Whatever might be the result of this measure, he was very sorry that the charge should be defrayed by a graduated income-tax; and he the more particularly objected to it from the precedent which it would be establishing. It was the more extraordinary, too, after the strong manner in which the idea of a graduated property or income-tax had been repudiated by ministers themselves only the other night. But the great question he wished to speak to was, whether it was right, proper, or expedient, that benefices under the value of £300 a-year should be taxed at all. He did not believe that the ministers themselves were very much inclined to insist upon this point; and he felt certain that the unbiassed opinion of the House would be in accordance with his amendment—that no benefice under £300 a-year should be taxed. But there could really be no beneficial result from commencing the taxation upon livings exceeding £200; the tax upon such would not raise more than £732 annually, or only one-fortieth part of the revenue expected to be thus raised. From this the expenses of the collection and of litigation must be deducted; and, when this was done, he felt satisfied that not more than £500 clear would accrue from the taxation of these small livings. He, therefore, would urge his proposition on the ground of good financial policy, which was, to avoid raising such a tax in payments of 5s. or 10s. from each individual. But, apart from all financial questions, he would put it to the House, whether a man of liberal education, zealously performing his spiritual duties, not very capable of managing pecuniary affairs, and having a family, with an income of £300 a-year, was a fit subject for taxation? Such a man had also to answer the demands of charity, and the tax would draw from his means to answer them. On all these grounds he hoped the right hon. gentleman opposite (Mr. Stanley) would consent to leave untouched the clergyman of £300 per annum—an income only sufficient to support his family with decency.

Mr. Stanley remarked, in reply, that if the House thought the rate he had mentioned too high, he was sure that his Majesty's government would make no objection, and he should certainly make none, to adopting the more liberal proposition of the right hon. baronet. He would leave it entirely to the House.

Mr. Warburton said, though that was not the time to discuss the principal of a graduated property-tax, he was prepared to show, upon a first-rate authority, that such a tax was most equitable. The question had been discussed by La Place in his "Theory of Probabilities," and whenever the subject should be discussed he should be prepared to support his views by that authority.

Sir Robert Peel would readily bow to the authority of La Place on a question of pure mathematics, but on the question of a graduated property-tax, there were two other elements to be taken into consideration besides those on which La Place had reasoned. La Place supposed the incomes to be fixed, and did not consider the means of acquiring them. La Place did not estimate the influence of such a tax on industry. And he (Sir Robert Peel) was afraid that the desire to accumulate wealth would be greatly abated by a graduated property-tax.

The suggestion of Sir Robert Peel was agreed to, and the schedule as amended was ordered to stand part of the bill. The Bill to be reported. The House resumed, and the report brought up, read, and to be taken into further consideration.

BANK OF ENGLAND CHARTER.

JUNE 28, 1833.

The House having resolved itself into Committee on the Bank Charter Acts,—

The Chairman put the first resolution, viz.:—"That it is the opinion of the committee, that it was expedient to continue to the Bank of England, for a limited period, the enjoyment of certain privileges, now vested by law in that Corporation, subject to provisions hereafter to be made."

Colonel Torrens moved as an amendment, "That the consideration of the question of the renewal of the Bank of England Charter should be postponed until the next session of parliament."

Mr. Poulett Scrope had great pleasure in seconding the amendment of the gallant colonel.

In the debate which followed,—

SIR ROBERT PEELE said, that he hoped he should not be thought guilty of disrespect towards the House if, at the commencement of this important discussion, he expressed an anxious hope that, for the sake of the character of the House, and the satisfactory adjustment of this great question, they were prepared to discuss it with patience, at least without manifesting that reluctance to hear speeches on matters of detail, which was sometimes manifested, in as much as every interest—the commercial, the manufacturing, and the agricultural—was deeply involved in the settlement of this important matter. In fact, there was no one question to which they could devote their time with more advantage to their constituents and the country at large, than that of placing the paper-currency upon a permanent and satisfactory basis. The immediate question was, whether they should approve of the first resolution—namely, that the Bank Charter should be renewed, or whether they should postpone the consideration of the whole subject to another session. He was decidedly of opinion, that they would be abandoning their duty if they consented to postpone the question. It was impossible, however, for him to state the grounds upon which he had come to this conclusion, without adverting to other parts of the plan proposed by the noble lord. He was prepared to affirm the first resolution, declaring the expediency of renewing the Bank Charter, because the whole of the evidence taken before the committee appointed to enquire into the subject last year, satisfactorily proved, as far as the authority of that evidence went, that it was expedient for the public interest that there should be but one bank of issue in the metropolis, in order that it might be enabled to exercise an undivided control over the issue of paper, and give facilities to commerce in times of difficulty and alarm, which it could not give with the same effect if it were subject to the rivalry of another establishment. The Bank of England was at least as well constituted as any other bank for the purpose of conducting the public business of the country; and he gave his assent to the proposition that the charter be renewed, not with reference to the interests of the bank, but because it had been proved that the interests of commerce required that there should be but a single bank of issue in the metropolis, and that the Bank of England should be that bank. He was also prepared to affirm other parts of the resolutions. On the whole, he thought it desirable to assent to the 5th resolution, which declared the expediency of repealing the usury laws in certain cases. He believed, that the effect of the usury laws in restricting liberal accommodation in times of commercial

panic was most injurious; and he thought that, by permitting bankers to obtain full interest on their money, the legislature incurred no risk of endangering the welfare of any class by preventing loans at the accustomed rate of interest; but, on the contrary, would supply the means of giving relief to commerce in times of difficulty. With respect to the terms which the noble lord had made with the bank, as involved in the 4th resolution, he had nothing to remark, because it appeared to him to be a matter of very subordinate consideration. He had no desire to make a long discursive speech upon every topic which the resolutions embraced; and therefore he should postpone, for the present, any reference to the manner in which they might affect country bankers, and joint-stock banking-companies now established. The resolutions applying to them did not form an essential part of the noble lord's plan for the renewal of the charter of the Bank of England; he would reserve, therefore, his right to discuss them at a more convenient opportunity. What would be the effect on the public interest, if country bankers were to be so far restricted that they could not continue advantageously to carry on their business, he was not prepared to discuss at the present moment; but there was one portion of the noble lord's propositions, not necessarily forming any part of the plan for the renewal of the bank charter, to which he was not prepared to give his assent—namely, the proposal contained in the second resolution, to make the Bank of England paper a legal tender in all commercial transactions. He had not heard, in the whole course of this discussion, any reason whatever assigned for this measure. It was very difficult to predict what might be the consequence of such a vast change in the existing law and practice of the country; and that man would be guilty of great presumption who should be bold enough to say, that the consequences must, of necessity, be prejudicial. But the onus of proving the pernicious effect of such a measure did not lie with the opponents of the noble lord. The noble lord was bound to show conclusive reasons for the alteration of the existing law, of which he had heard with the greatest surprise. The noble lord had not, however, been pleased to advance a single argument in justification of his resolution. As far as authority went on this subject, he thought, after the removal of the restriction on the Bank of England, it had been an admitted axiom in the science of currency, that paper-money, by whatever authority issued, should be convertible into gold. Every one must recollect, that Mr. Burke, when comparing paper-money in England with the French assignats, said, that "Our paper is of value in commerce, because in law it is of none; it is powerful on Change, because in Westminster-hall it is impotent. In payment of a debt of 20s., a creditor may refuse all the paper of the Bank of England. This opinion, concerning the principles of paper-money, was shared by Mr. Huskisson, who, in 1819, opposed a proposition to allow engagements to be discharged in Bank of England paper, alleging, that he would never consent to allow one country banker to discharge his obligations by the paper of another banker. At present, all paper issued by the banking establishments of this country was liable to be exchanged for gold. But what was it the noble lord proposed to do? To make all promissory-notes, all debts, and even the deposits placed in banks, payable by Bank of England notes. He could not foresee all the consequences of that alteration, but he could not consent to it, unless the noble lord showed him that some great evil was to be averted, or some positive advantage to be gained by it. The noble lord would doubtless tell him, that periods of panic occasionally occurred, when the currency of the country was exposed to danger in consequence of the great demand for gold; but he trusted that the House would recognise the clear distinction between a commercial and a political panic. An instance of a commercial panic occurred in 1825, and of a political panic in the month of May in the year 1832. Those panics arose from two different causes, and their effects were different. Since 1825, there had been no instance of a commercial panic, because precautions were then taken to prevent the main source of it, by abolishing the £1 and £2 notes; the circulation of which notes had the effect of banishing gold from the country, of causing a rise of prices, and of encouraging that undue speculation to which a rise of prices, caused by excessive paper issues, will infallibly lead. What, then, was the noble lord's motive for proposing to make Bank of England notes a legal tender? Did he apprehend a commercial panic? It appeared, he believed (though he spoke not from accurate knowledge, for he was not a member of the committee); but it appeared, he understood, from the evidence

taken before the committee on trade and manufactures, that though great profits were not obtained, the trade and manufactures of the country were in a flourishing condition; and they were flourishing because they were conducted upon a sound basis; the immediate convertibility of paper into gold being a sufficient check against excessive issues and undue speculation. But perhaps the noble lord wished to guard against the recurrence and the effects of political panics; and did the noble lord really think that any measure founded on those resolutions would answer that end? Political panic owed its origin to very different causes from commercial panic? It was not produced by any undue stimulus given to trade; but by apprehensions that the institutions of government were in danger, and that the Bank of England, being connected with the government, might consequently be unable to meet its engagements. This was the case in May, 1832, at which period, in many parts of the country, the notes of country bankers were considered at least equally as good as the notes of the Bank of England, and in some cases were preferred to them. He admitted that there was a difficulty in devising means to prevent the occurrence of political panics; but he thought that the proposition of the noble lord would totally fail in effecting that object. When once the people doubted the stability of the government, they would naturally entertain doubts of the stability of the Bank of England. They would then, as a matter of course, demand payment in gold for the notes of the Bank of England; and if such demand were made simultaneously and universally, there was no doubt that the directors of the bank would not have a sufficient quantity of gold in their coffers to meet it. The inevitable consequence would then be national bankruptcy. Did the noble lord, in his plan, take any effectual precaution against political panic? He had been told that, in Dublin, the paper of the Bank of England was actually at discount in May 1832. A banker in that city paid £600 or £800 to one of his customers in Bank of England notes. But in consequence of the agitation and alarm which then prevailed, a doubt was entertained (an absurd one, certainly) of the stability of the Bank of England, and the banker was offered a considerable premium to take back the notes, and to pay in gold. Nothing could be more absurd on the part of the person who received the notes; but in transactions of this kind the apprehensions of ignorant and fearful people must be taken into account, for from the contagion of such apprehensions arose all the danger and all the difficulty. Against this, it was their business to guard by every means in their power; but he very much doubted whether the step which the noble lord proposed to take, would, in any respect, be a protection against the recurrence of political panic; because the ultimate tendency of the noble lord's plan was, to substitute for country paper the paper of that company who were the bankers of the government, and to diminish the quantity of gold in circulation by providing a much less expensive substitute. Thus, the plan of the noble lord, far from providing any security against political panics, would in fact be likely to render them more certain and more disastrous. He had heard it asserted, that nothing could be more insecure than our present system of currency. He entirely dissented from that statement. If they were to have a system of paper money at all, founded on a basis of the precious metals, he doubted whether they could have one placed on a better footing than that which existed at present. It did not give any security against a political panic; and what system could? But it guarded the country, as effectually as the nature of things admitted, against a commercial panic. Country bankers now had the option of discharging their engagements in gold, or in the paper of the Bank of England, with the consent of the holders of their notes; but to meet the difficulty of a political panic, the noble lord proposed to pass a law to enable the banker to pay, and to compel the customer to take, the paper of the Bank of England. Was it possible to correct erroneous impressions by statute-law, or to inspire confidence by compulsion? Before he proceeded further, he wished to know whether it was intended that the branch banks of the Bank of England should pay in gold the paper issued by the bank in London? [Lord Althorp: No.] He, then, understood that the branch banks could only be compelled to pay in gold that paper which they themselves issued; and that all Bank of England paper issued in London, would only be payable in London, and not at the branch banks. He did not consider that part of the measure at all calculated to gain public confidence. The noble lord must be fully aware, that when a panic

occurred, a great demand for gold took place, and he endeavoured to prevent it by making Bank of England notes a legal tender, not imagining that the holders of them would take the trouble to send them to London to get them cashed, or to a branch bank forty or fifty miles distant; and this was the security which the noble lord thought an effectual one against a political panic. The noble lord had argued, that the Bank of England, having no control over the issue of the country bank notes, had consequently no control over the exchanges; and, for the purpose of altering this state of things, he proposed to extend the circulation of Bank of England paper. In order to ascertain what weight ought to be attached to this argument, it was necessary to compare the amount of the country bank-notes with the amount of Bank of England paper in circulation. Was it fitting to make an alteration in the monetary system like that which was proposed, without looking at the proportion which the country bank paper bore to the paper of the Bank of England? One hon. gentleman had estimated the amount of Bank of England paper at five-sixths of the whole circulation of the country. This estimate appeared unduly large; it probably could not be correct; but, supposing that the country bank paper amounted to one-fourth or one-fifth of the whole paper circulation, could its effect on the exchanges be so great as to render it necessary for the House to give the Bank of England the proposed control over the paper circulation of the whole country? But would the control of the Bank of England over the whole paper circulation of the country be so immediate as the noble lord expected? Supposing that the noble lord's plan was successful, and that country bank paper was banished from the circulation, would not the joint-stock companies and other banking establishments require from the Bank of England a guarantee to give them a certain amount of bank-notes? The time might arrive when these several establishments would feel it necessary to avail themselves of their credit with the Bank of England, and precisely at the same moment the Bank of England might find it desirable to restrict its own issues for the purpose of correcting an unfavourable exchange. At one period, the Bank of England, acting on the principle of a commercial company, and desirous of making the largest profit possible, might deal very liberally with the joint-stock companies, and guarantee them a large amount of notes, and by that guarantee the Bank must abide, however prejudicial it might be at the particular moment to the country. He therefore was not prepared to admit the policy of giving the monopoly of the paper circulation to the Bank of England; and if the noble lord's plan should be adopted, he very much questioned whether the Bank of England, by guaranteeing a certain amount of notes to the joint-stock companies and country banks, and thereby placing so much of its circulation out of its own control, would be able to exert an immediate power over the exchanges, or provide the means of safety in cases of difficulty and times of political panic, as at present. He was afraid that one of the consequences of the proposed measure would be to diminish the amount of the gold in circulation, to cause a difficulty in making small payments, and to lead to a demand for the re-issue of one and two pound notes. In consequence of gold being equally diffused throughout England and Wales, country banks were rendered secure. Instead of the present system, of having gold equally diffused throughout the country, and held by country bankers for the purpose of meeting their engagements, would it be safer to allow it to accumulate in the coffers of the Bank of England, or its branch banks, from which it could only be drawn by presenting at the different banks their respective notes? In Scotland and Ireland a small paper circulation existed; but nothing could be more fallacious than to infer, that because such a currency was safe in those countries, it must be beneficial in England. The small note currency of Scotland and Ireland was upheld by the gold which circulated in this country, which was sufficient to sustain the superincumbent mass of English, Irish, and Scotch paper. But if we introduced the Scotch system into England, there would not be security for our paper circulation even for a month. That which was good as a medium of circulation in Scotland to the extent of £3,000,000, and in Ireland to the extent of £2,000,000, would in England, where it must extend to £30,000,000, utterly and completely fail. The noble lord said, that his plan would not diminish the amount of gold circulating in the country, and yet the plan of the noble lord gave every private banker a direct interest in discouraging the circulation of coin. If there was an over-issue of paper, it fell back on the bankers again, from whom

gold was demanded. Now, there were 400 private bankers in the country. [An hon. member said: 500.] He would take the number at 500. The noble lord was going to close 500 sources from whence gold is now issued to the holders of paper who had confidence in that paper, because it was so readily convertible at will. A great difficulty, he was persuaded, would be felt in making small payments from the deficiency of gold; and though the noble lord would, of course, be very unwilling to issue £1 and £2 notes, there were other ways of accomplishing that end. There was no law against issuing notes for £5 10s., or for five guineas. Here, then, was a mode of supplying the deficiency of a gold circulation. There might be notes of £6, and a man who had £1 to pay might give £6 and receive £5 in return; or with notes of £5 10s. or £5 5s., he might pay 10s. or 5s., receiving back a £5 note. He believed that something of the kind occurred even in Ireland, where the issue of notes for 35s. and 25s. banished silver from circulation. Thus the inconvenience arising from the gradual disappearance of gold, would not at first be sensibly felt. Partial remedies, such as these to which he had been referring, would be resorted to, and he should not be aware of the full extent of our danger until after the gold coin had disappeared, and some cause or other led to a general and simultaneous demand for it in exchange for paper. The noble lord denied that he contemplated the depreciation of the standard, or increased facilities for paper issues. But his plan was supported by those who contemplated both these results as the consequences of it; and without such support, founded on such motives, the noble lord's plan had no chance of being carried. The noble lord might consider that, by establishing the monopoly of the Bank of England, through facilities given to joint-stock banks to circulate its notes, and by the destruction of the country banker, he was producing an advantageous state of things; but he doubted it. [Mr. Hume: Hear! hear!] On that point he was glad to find that the hon. member for Middlesex agreed with him, if in nothing else. Let them suppose, that by encouraging the monopoly of the Bank of England, it was enabled to drive the country banks out of the field; for, although the law would still permit the establishment and continuance of private banks, yet it was quite clear that companies might be formed on so extensive a scale, and with such privileges, as to make it impossible for private individuals to compete with them. It was known that companies had considered it profitable to sacrifice a part of their capital for the purpose of ruining an individual trader. It was possible, then, that the ultimate effect of this plan would be so far to injure the trade of the country banker as to make it impossible for him to carry on his business. Now, provided security were taken against their paper being issued in excess, there was great advantage in permitting the issue of paper by solvent country banks. They had a more intimate knowledge of the farmers and retail dealers in their neighbourhood than could be obtained by any joint-stock bank, or by the agents of the Bank of England. They could, therefore, deal out credit more liberally than the Bank of England. They could, from knowing the character of parties, accept personal security, and thus give to an industrious and enterprising man that accommodation which the other banks would not afford without real securities. Country bankers could issue paper on cheaper terms than joint-stock banks. What objection, then, could there be to the country banks issuing their paper, provided that paper was convertible into gold? He doubted, therefore, if they would gain the object they had in view—of giving advantages to the agricultural and commercial part of the community by a measure which might destroy the country bankers. He doubted if it were wise, supposing that such would be the effect, to destroy country bankers. All these were considerations which ought to have weight with the House before they came to any determination, and particularly before they came to any resolution, declaring that the Bank of England notes should be a legal tender. He repeated, that he did not agree with the noble lord, that those who opposed his system were bound to point out the disadvantages of adopting it. The noble lord should demonstrate the evils of the present system, and the advantages of that change he proposed, before he called on the House of Commons to alter that which it ever had been, with the exception of the period of the bank restriction act, and which, he should ever contend, ought to be the principle of the law—namely, that those who circulated paper engagements, undertaking to pay certain sums of money, should be bound to give in exchange for those promises a definite weight of the

precious metals. Before the noble lord departed from the great principle of making a man responsible for what he promised—before the noble lord exonerated him from discharging his debt in the standard coin of the realm—the noble lord was bound to make out a very strong case. The noble lord proposed to go further than the bank restriction act of 1797. That act did not make Bank of England notes a legal tender—it only deprived the creditor for a time of a summary remedy against the debtor on the tender of Bank of England paper. The parties were still responsible for the payment. The noble lord proposed not only to protect the parties against summary process, but gave them their discharge altogether on tendering the paper of the Bank of England. That paper was to be legal payment also, not only for public taxes, but for all deposits and all debts. To this measure, considering it a departure from the principle of the act of 1819, and from the true principles which should govern a paper-currency, he could not give his support.

Lord Althorp having replied,—the amendment was negatived; the first resolution agreed to, and the House resumed. The committee to sit again.

JULY 1, 1833.

Lord Althorp, in moving the second resolution, begged to state to the committee an alteration he proposed to make in his plan—an alteration which he did not think of much importance; but which he was willing to make, to meet the apprehensions of those who were afraid that, from payment in gold being obtainable solely in London for notes of £5 and upwards, a scarcity of coin might be caused in the country. He proposed, therefore, to alter the reading of this resolution, excluding payments in the country for all sums “above £5,” so that a person presenting a £5 note at a banker’s in the country would be entitled to demand five sovereigns.

SIR ROBERT PEEL: If I rightly understand the noble lord, he means that for every £5 note a man presents, he shall receive five sovereigns. Of course, then, if he takes one hundred £5 notes, he may make a separate demand for each, and will receive gold for them all.

Lord Althorp: No, no.

Sir Robert Peel: If he takes them separately, then?

Lord Althorp: Not in the same day, for that would occasion a serious run upon the bank. I do not apprehend any such thing would occur; but if the effect of the alteration would be to destroy the effect of the resolution, I shall not persevere in it.

Sir Robert Peel: I am sorry if I have shaken the noble lord’s confidence in his own proposition, which I most certainly cannot think he has well considered. Nothing could be so absurd, as that a man presenting a £5 note should be able to get five sovereigns, but upon presenting two £5 notes, should not be able to get ten sovereigns.

In reply to Mr. Warburton,—

Sir Robert Peel said, that the hon. gentleman need not be alarmed—no demand would be made on the country banker, which the country banker would not get rid of by issuing notes for five guineas instead of £5.

Later in the evening,—

Sir Robert Peel said, the argument was, that the abundance of small notes stimulated undue speculation, and that an issue of one and two pound notes had the effect of encouraging the departure of coin from the kingdom; and whenever a crisis arrived, whenever there was a commercial panic, all the deposits were immediately demanded in gold, because the depositors had no confidence in a paper currency. But his hon. friend, the member for Essex (Mr. Baring), had no right to assume that the paper currency was the same now as it was formerly. One and two pound notes were now prohibited, and consequently a more equal diffusion of gold currency was secured, whilst the existing paper was convertible into coin on demand. There was now, therefore, no risk of any commercial panic similar to that of 1825; for the inducement that formerly prevailed no longer existed. His hon. friend said, it was highly desirable to secure the country against the effects of political excitement. His hon. friend was quite right in making that statement, and he admitted that some advantages would accrue to the country by establishing unlimited confidence in the Bank of England. Every thing which tended to confidence and security in the

country was good; but was it possible to give this confidence by an act of parliament? His hon. friend had referred to the confidence placed in bankers' checks on the Bank of England. True, but whence did that entire confidence arise? Because there was no interference of an act of parliament. As Burke had said, commercial confidence gave bankers' checks a currency on the Exchange, because they had none in Westminster-hall. All depended on commercial confidence; and if his hon. friend were to pass a law to force people to place confidence in checks, the result would be directly opposite to his wishes. His hon. friend had also referred to the want of confidence which risk of war or convulsion was likely to produce; but where, he would ask, was that want of confidence likely first to arise? Not in remote country towns, but in London. Much, too, had been spoken of the advantages resulting from the intermediate step necessary to be taken before obtaining gold; but what had been the effect of this in the case of the Scotch banks which had issued notes with an optional clause? The Scotch banks formerly issued notes which contained a clause giving them the option either of paying their notes on demand, or six months after sight, giving interest in the meanwhile. The results of this, as Adam Smith stated, was, though the banks were perfectly solvent, that the exchange was against Dumfries as compared to Carlisle, full four per cent. on account of these notes. Take the case of a banker at Plymouth, who pays his notes in Bank of England paper: the person who received them, though he wanted gold to embark for Portugal or the West Indies, would not be able to get a guinea without travelling or sending all the way to London. The form was preserved; and if a panic should arise, he was satisfied that the greatest mischief would result, because the country banker would rely on a false security. He did not see any reason why the proposed interference with country bankers should take place. He would say, let the country bankers issue notes convertible into metallic currency, and let them provide what securities might be thought right for the deposits put into their hands; but give them the right of claiming notice of the withdrawal of any deposit. This would be much better than compelling them to pay in bank paper. Besides, how open was this plan to evasion? As there was no bank-note under £5, depositors would only have to draw as many checks as they pleased for £4 19s., and they could compel payment in metallic currency. This, of course, would not be resorted to on ordinary occasions; but, then, on ordinary occasions, there was no danger. The object in view was to provide against the effects of a panic, whether general or partial; and, when this existed, nothing in the world could prevent depositors from resorting to every possible expedient to withdraw their deposits, and obtain payment in the only currency in which they could place confidence. The noble lord and the right hon. gentleman appeared utterly to have discarded from their consideration the various means of evasion to which this plan was open. The noble lord came down to the House to-night, and, much to his surprise, proposed that £5 notes should be convertible into gold on demand, and this was a most serious and important alteration. The effect of it would be this—to give a direct legislative premium on the withholding of £5 notes from the market. It would also, in his opinion, operate most injuriously on the country bankers in a time of panic. For the whole scope of this bill was, to induce country bankers not to keep gold in their coffers, but to rely on the Bank of England for supplying them with the means of meeting all demands; and if a panic were to arise, the bankers would come up to town and carry back, not gold, but bank-notes. What, however, would those bankers say when they found the holders of all Bank of England £5 notes pressing them for gold, which they most assuredly would do? The noble lord had, indeed, said, that no man was to take two £5 notes together and claim gold for them, because that would, in fact, be demanding gold for £10; but what would the noble lord say, if the holder of several £5 notes were to present one at the interval of every half-hour—or suppose he had £50 in £5 notes, and were to employ all his servants in obtaining payment for these separately—how would he prevent it? The noble lord had proposed another very important regulation—that the notes of the Bank of England should be payable only at the places where they were issued. According to this the whole issue by a branch bank would be payable only in the town where it was issued. But he would look at it further. What security had they that the Bank of England would continue to employ branch banks at all? Why should it? If, indeed, government

issued this currency, it might say, we do it with no view to profit—we seek only the general interests of the country, which would be benefited even were the system carried on at a partial loss. But the Bank of England was in a very different situation. It was a company established for the purpose of profit, and owed duties to the proprietors of bank stock. By the provision for the formation of joint-stock companies, a direct inducement was held out to withdraw the branch banks; for the Bank of England would find it more economical to employ joint-stock banks, with a few partners as agents, for the circulation of their notes, than to keep up their branch banks. The consequence would be, that Bank of England paper would be payable in London only. Yet this paper was to circulate in every part of England. Under such circumstances, no act of parliament could give confidence to a currency which had no intrinsic value, even were it issued by an institution which had ten times the stock, and which was ten times more solvent, than the Bank of England. This would inevitably lead to an agio on gold. Only suppose a man in the country wanted to leave England, or for any other occasion to convert £500 into gold—he would be unable to get his notes exchanged except in London—that man would readily give a premium for gold. It was important also to consider what effect making Bank of England notes a legal tender would have in promoting forgery? It would be most difficult to detect forgeries of bank-notes at a distance of 200 miles from the persons who alone were competent to distinguish them. The time at which the noble lord proposed this measure was equally objectionable. About two months ago his hon. friend the member for Whitehaven (Mr. M. Attwood) proposed an enquiry into the currency, with a view to its relaxation. The noble lord negatived the proposition, and moved a resolution, declaring his determination to adhere to the standard; but at the same time said, he would appoint two committees—one to investigate the state of agriculture, the other that of commerce, which committees had since assiduously prosecuted their enquiries, and had particularly directed their attention to the effects of the banking and currency system on trade and agriculture. What a mockery, however, were these committees, when the noble lord would not condescend to wait for their reports—now, doubtless, nearly ready—but came forward and proposed this great alteration in the currency, without paying the slightest attention to their suggestions. He was never so surprised as when the noble lord and his colleagues proposed this alteration, so repugnant to their former principles. He had always understood the doctrine of the noble lord to be—“Issue what paper you please, only let it be payable on demand, and in a metallic currency;” but to take up one particular class of paper, and propose to destroy all other classes, in order that this might circulate on their ruin, was the most extraordinary proposal he had ever heard. One and two pound notes ought not to be issued because they interfered with the gold currency, but beyond that he thought it right to have no check beyond that of immediate convertibility. He agreed with a writer of great eminence on this subject, whose opinion was the more worthy of confidence because it had been confirmed by subsequent events. Adam Smith said—“It were better, perhaps, that no bank-notes were issued in any part of the kingdom for a smaller sum than £5. Paper money would then, probably, confine itself in every part of the kingdom to the circulation between the different dealers, as much as it does at present in London, where no bank-notes are issued under £10 value; £5 being, in most parts of the kingdom, a sum which, though it will purchase, perhaps, little more than half the quantity of goods, is as much considered, and is as seldom spent all at once, as £10 are amidst the profuse expenses of London. Where paper money, it is to be observed, is pretty much confined to the circulation between dealers and dealers, as at London, there is always plenty of gold and silver. Where it extends itself to a considerable part of the circulation between dealers and consumers, as in Scotland, and still more in North America, it banishes gold and silver almost entirely from the country; almost all the ordinary transactions of its interior commerce being thus carried on by paper.” The same author also said, at the conclusion of his chapter on metallic and paper currency—“If bankers are restrained from issuing any circulating bank notes, or notes payable to the bearer, for less than a certain sum, and if they are subjected to the obligation of an immediate and unconditional payment of such bank-notes as soon as presented, their trade may, with safety to the public, be rendered in all other respects perfectly free. The late multiplication

of banking companies in both parts of the United Kingdom—an event by which many people have been much alarmed—instead of diminishing, increases the security of the public. It obliges all of them to be more circumspect in their conduct, and, by not extending their currency beyond its due proportion to their cash, to guard themselves against those malicious runs, which the rivalry of so many competitors is always ready to bring upon them. It restrains the circulation of each particular company within a narrower circle, and reduces their circulating notes to a smaller number. By dividing the whole circulation into a greater number of parts, the failure of any one company—an accident which in the course of things must sometimes happen—becomes of less consequence to the public. This free competition, too, obliges all bankers to be more liberal in their dealings with their customers, lest their rivals should carry them away. In general, if any branch of trade, or any division of labour, be advantageous to the public—the freer and more general the competition, it will always be the more so.” This was the reasoning of Adam Smith, *a priori*, fifty or sixty years ago; and the system which he recommended as the best which could be established, now existed in this country, and that was the system which the noble lord proposed to change. The noble lord now, on the 1st of July, without waiting for the reports of the two committees he had appointed, came forward with one of the most startling propositions he had ever heard, founded on the most slender body of argument possible. The noble lord said, it was all to prevent panic: but no act of parliament could prevent panics. The noble lord might depend upon it, the people would never place confidence in bank paper, merely because an act of parliament called on them to do so. The noble lord might be assured, that the confidence would not be obtained for a paper currency, founded on a compulsory enactment.

The committee, after a long discussion, divided on the second resolution: Ayes, 214; Noes, 156—Majority, 58. Resolution agreed to.

On the third resolution being read,—

Sir Robert Peel said, that although the discussion in which the committee was at present engaged might be more appropriately taken upon the 4th resolution, yet, as the present resolution was so much connected with it, he thought the time of the House would be saved by having that discussion now. It was to be remarked, that in all the reports of the committees that had sat with regard to the bank, the amount of the debt due by the public to the bank had been always taken as the security for the public—as the grounds for its confidence in the bank. It was so in the committee of 1797, and so likewise in the committee of 1819. The debt of £14,000,000 or £15,000,000 had been uniformly assumed as the security for the stability of the bank circulation. The noble lord now proposed to pay off a portion of the debt due to the bank, and, if the circulation of the bank was to remain as it was, perhaps £11,000,000 of debt would be a sufficient capital as security for that circulation. But the noble lord's plan went on to extend the circulation of the bank indefinitely. The noble lord wished to give the bank a monopoly of the circulation of the country, and he seized the very same opportunity to effect a diminution in that fund which afforded one of the grounds of public confidence in the bank. The noble lord proposed to add indefinitely to the paper circulation of the bank, and at the same time he proposed to diminish the debt due by the public to the bank to the extent of £3,500,000. If that amount was to be repaid to the proprietors, it would be a complete diminution *pro tanto* in the assets of the bank. He wished to know whether that would be the case? [Lord Althorp was understood to say, across the table, that the bank would be bound to pay it to the proprietors.] If the bank, then, would be bound to do so, he (Sir Robert Peel) would maintain, that it would be a diminution *pro tanto* of the assets of the bank. At the same time, this repayment of a portion of the debt to the bank would not be effected at a loss less than that of £20,000 a-year to the country. The result was, in consequence of the arrangement contained in the 3rd and 4th resolutions, that the bank would only have to pay £100,000 a-year for the renewal of its charter. The bank on the former occasion, be believed, paid £280,000 for the renewal of the charter. It lent the government a sum of £14,000,000 at three per cent. when the rate of interest was five per cent., which was tantamount to paying £280,000 a-year. Supposing, as an hon. member said, that the market rate of interest was four and a half per cent. only, it was still

certain that the bank, at all events, paid much more than £100,000, and the privileges acquired by the bank at that period were much less than now. But, although the noble lord had made a bargain with the bank which he thought improvident, he would not refuse to ratify the bargain. His confidence in the bank directors had indeed greatly increased since these negotiations; for if they had got all the privileges, and paid less than they paid before, although he would not say they had outwitted the Chancellor of the Exchequer, they had made a capital bargain for themselves. Although he was not prepared to nullify the bargain the noble lord had made, still it would be satisfactory to the House and the country if the noble lord would give some estimate of the mode in which he had calculated what the bank should give for the renewal of their charter; and, if it was less than the former consideration, his reasons for not making a better bargain.

The third resolution was ultimately agreed to, and the House resumed; the committee to sit again.

NEW HOUSE OF COMMONS.

JULY 2, 1833.

In the debate arising out of Mr. Hume's motion for the erection of a new House of Commons—which subject had been referred to a Committee, who were unanimous in the recommendation of a new House,—

SIR ROBERT PEEL would not consent to make an alteration in the present House of Commons, on such a very imperfect report as that which had been presented on this subject. Of all the reports of committees that he had ever read, he would say that this was the most imperfect, and, with every respect for the chairman, the most discreditable report he had seen. The report, in the first instance, expressed the opinion of the committee—an opinion which the members of the House could as well have formed without the assistance of a committee—that the present House did not afford adequate accommodation for the members; but when the committee came to decide the question as to the erection of a new House of Commons, though twenty-two plans had been laid before them, they were not able to form a decisive opinion as to any one of them. It was ludicrous to hear all the faults of the House of Commons laid to the account of the building. There was, it appeared, often great talking, sometimes a considerable buzz, and, not unfrequently, much coughing; but they were the master-spirits of the age, and, of course, all those things were the fault of the present House of Commons. There was no doubt that the present House was not adequate to the accommodation of 658 members; but the real question was, whether it was not amply sufficient for the accommodation of the average number of members that attended in four out of the five nights in the week. If a larger house were built, it would not be as well calculated for the ordinary discharge of business, and besides, the hearing in a larger building might not be as good. The proposition to remove the House to St. James's, half a mile from its present site, was, of course, out of the question. He thought that it was a great advantage to the two Houses of Parliament, to be removed to some distance from that quarter, where, as Dr. Johnson said, "the tide of human life swept along"—from Charing-cross, and its busy and bustling neighbourhood. If they were to have an alteration made in the present building, the necessity for which he questioned, he would prefer the plan proposed by the hon. member for Tewkesbury.

Mr. Hume having replied, the House divided, when the motion was negatived by 154 to 70; Majority, 84.

CHURCH TEMPORALITIES (IRELAND).

JULY 8, 1833.

Lord Althorp moved the Order of the Day for the third reading of the Church Temporalities (Ireland) Bill.

The bill having been read a third time,—

Mr. Sheil rose to propose the addition of a clause, by way of rider, the object of

which was to effect a further reduction in the incomes of the Irish bishops and archbishop.

In reply to Mr. O'Connell,—

SIR ROBERT PEELE wished to express his opinion, that the right hon. gentleman deserved credit for not having advised the Crown to assume the whole patronage of the Church. He was of opinion, that no better system could be devised than that which placed the responsibility of making a proper election of clergymen upon twenty-two individuals, in every way qualified to carry into effect the intentions of the legislature. At the same time, he objected to the power which the bishops' tenants were to possess, of changing the leases by which they now held land into perpetuities. Some of the bishops had let their lands for a mere trifle, and in such cases, for a mere trifle the tenant would, by this bill, acquire the fee-simple of the property. He would suggest, that they should guard against such cases.

Motion negatived.

Mr. O'Connell proposed, as an amendment to the 50th clause, to leave out the words, "The now Bishop of Derry," and to alter it so as to make the annual payment of £4,160, out of the revenues of that see to the Commissioners under the Act, fall only upon the successors of the present bishop.

Rising after Mr. Secretary Stanley, who stated that if the House were legislating for the indulgence of political principle, or for the sake of gratifying private feelings of regard, there was no man from whom ministers would more regret to take away part of his income than from the Bishop of Derry; under all the circumstances, however, he must object to the motion.

SIR ROBERT PEELE took the same view of this question as the right hon. Secretary for the Colonies. He should, however, be extremely sorry, if, in so doing, he should be supposed to mean any thing derogatory from the high character of the Bishop of Derry. As that right rev. prelate had received his first appointment to a bishopric when he (Sir R. Peel) was Secretary of State, it was clear, that he could have but one opinion as to his merits. He could not, however, consent to the principle laid down by the hon. and learned gentleman in his speech—for, said he, "Here is a bishop who voted uniformly for Catholic emancipation, and so I will give him as reward £4,000 a-year." Undoubtedly, the right rev. prelates who took an opposite view of that question acted on honest principles, and the House ought not to give so munificent a reward as £4,000 a-year to one of their body because he was distinguished by his uniform advocacy of liberal principles. But, on that ground, the Bishop of Derry could not, and would not, accept this grant. "This fatal deed," said Sir R. Peel, holding up a parchment in his hand,— "this fatal deed disqualifies him. Is the hon. and learned gentleman aware that the Bishop of Derry once signed a petition decidedly hostile to the claims of the Roman Catholics for emancipation?" The right hon. gentleman read an extract from a violent petition against the Catholic claims presented to parliament in 1826, to which one of the first names attached was that of "Richard Ponsonby, dean of St. Patrick." The right hon. Secretary had destroyed all the arguments of the hon. and learned gentlemen but one, and that solitary argument he had, he believed, now demolished.

Mr. O'Connell admitted that the Bishop of Derry had placed his signature to that petition; but the right hon. baronet had forgotten to tell the House the disgraceful manner in which his signature to it was obtained. He had also forgotten to tell the House, that as soon as that right rev. prelate had discovered that his signature was attached to it, he had published a letter in the newspapers explaining the circumstances; he was of opinion that those who had made this use of a petition to which Dr. Ponsonby's name was surreptitiously obtained, would make but little way in proving that he had not been the uniform advocate of Catholic emancipation.

Sir Robert Peel thought, that before the hon. and learned gentleman had made this attack upon him, the hon. and learned gentleman should have had some grounds for supposing that he was aware of the existence of a letter which had appeared so many years ago in the newspapers. If he had been aware of the circumstances contained in that letter, he should certainly not have alluded to Dr. Ponsonby's name being attached to that petition; but he declared, upon his honour as a gentleman, that up to that moment he had not been at all aware of them. The petition had not been brought to him till that evening; and the hon. and learned

gentleman, who knew of the existence of that petition, and of all the circumstances connected with it, ought, in speaking of the uniform advocacy which the Bishop of Derry had given to liberal principles, to have explained the manner in which the right rev. prelate had been betrayed into this seeming inconsistency.

After a few remarks from Mr. O'Connell and Sir Robert Inglis, the motion was negatived.

AFFAIRS OF POLAND.

JULY 9, 1833.

Mr. Cutlar Fergusson concluded a most brilliant and effective speech, by moving, "That an humble address be presented to his Majesty, praying that his Majesty will be pleased not to recognise, or in any way give the sanction of his government to the present political state and condition of Poland, the same having been brought about in violation of the Treaty of Vienna, to which Great Britain was a party."

Mr. Thomas Attwood seconded the motion.

A long and animated discussion ensued; rising after Mr. Cutlar Fergusson, who announced his intention of pressing his motion to a division,—

SIR ROBERT PEEL said, he had not the slightest notion that the hon. and learned member had risen to reply, but merely to answer a question put to him, or he should have interposed before the hon. gentleman had spoken. He was aware of the inconvenience of speaking after a reply; but the hon. gentleman having expressed his determination to press the motion to a division, that circumstance imposed upon him the duty of stating the grounds upon which he could not acquiesce in the motion. He did not deny the right of the House to offer advice to the Crown with reference to the diplomatic relations of the country. He could conceive circumstances to arise of so grave a nature as to impose upon the House the duty of declaring its opinion and tendering its advice to the Crown; but he must contend, that the House ought to have a clear foresight of all the consequences which might ensue from their intercession. Care ought to be taken not to trench upon the royal prerogative, without a clear perception of the necessity of such a step: nor without scrupulously and carefully weighing the probable results of the interposition. Above all, there ought to be nothing equivocal or ambiguous in the advice tendered to the Crown. The import of the present motion, however, was in his judgment equivocal and ambiguous. It contained two distinct propositions; first, that this country was party to the Treaty of Vienna; and secondly, that the treaty had been violated. If the House were prepared to place this motion upon record, the next step surely ought to be to offer some advice to the Crown, in language clear and decisive as to the course to be pursued. If this question related distinctly to any interest of our own, what language consistently with the dignity and honour of England would be used by the House? It would say to his Majesty—"Your Majesty is a party to a treaty—that treaty has been violated—the national honour is implicated—and we, the House of Commons, demand redress." But what was the resolution of the hon. gentleman in which advice was tendered? Not that the Crown should enforce the observance of those rights of Poland of which England was the guarantee, but that the king should not recognise, or in any way give the sanction of his government to, the present political state and condition of Poland. If the House were satisfied that the treaty had been violated, and were prepared to record their opinion to that effect, then, in consideration of its own character—in consideration of what was due to the Crown—and in consideration of what was due to the people of Poland—there ought to be no misconception as to the real intentions of the House of Commons. But, as he had already said, the language of the resolution was ambiguous; it merely asked the Crown not to recognise or sanction the political situation and condition of Poland. But was the recognition or sanction of England in any way required? If withheld, how did the refusal better the condition of Poland? The Emperor of Russia claimed for himself—whether right or wrong, he stopped not to enquire—an authority to control his subjects, who were in a state of revolt; and the hon. gentleman contended himself with calling upon the Crown not to give its

sanction to the present state of Poland. He did not comprehend what the hon. gentleman meant; and when he referred to the language used in the debate, he was left still more in doubt. One hon. gentleman said, that the motion meant nothing—that it was of a negative character. Be it so; but surely it was not befitting the dignity of the House of Commons to place upon the journals a record, that a treaty, to which England was a party, had been violated; and then to offer to the Crown advice of a negative character, as it was termed. The hon. gentleman said, that he expected no advantage from this address, and that the condition of the unhappy Poles would not be ameliorated by its adoption. Then why adopt it? The hon. and learned member for Tipperary said, that it was a question of ignominy or war, and that he had no hesitation in declaring for war in preference to ignominy. Yet he deprecated war, and said that this was not a step toward it. What then was it? Was it a mere *brutum fulmen*? Were no steps to be taken in consequence of this address? If not, then he implored the House not to set the example of an interposition, from which no fruits were to be expected. But if those who supported the motion expected any fruits, he had a right to ask the nature and character of them. One hon. gentleman said, let government make a strong remonstrance to Russia, and if Russia made a strong remonstrance in return, then he had no doubt the people would support the government in a war. But he for one would not involve the country in this collision of angry remonstrances, if war was to be the probable result. The gentlemen who supported the address were much divided in opinion—some looked to war as a consequence scarcely to be deplored; others denounced war; but he deprecated making hostile remonstrances to a power like Russia, on a subject of this nature, unless they were prepared to follow them up by some decisive measure, in the event of their failure. An hon. and learned gentleman said, that the time was come when the illusions of military glory were dissipated, and the true character of military heroes was justly appreciated. From such a declaration, he expected that the hon. gentleman would have been a strenuous advocate for the maintenance of peace, but he found him among the most reckless partisans of war. He could not acquiesce in the address. If the national faith required the interposition of that House, he should be prepared to advise much stronger measures. He would have asked the Crown to remonstrate in the first instance, and, if necessary, to enforce that remonstrance by maintaining the rights of Poland. While he could not support the resolution, he begged distinctly to state, that he participated in all the sentiments of admiration which had been expressed on the gallantry of Poland; and, at the same time, to express his sympathy and deep regret for the sufferings of that nation, by supposing the statements of the hon. gentleman founded on fact. On a former occasion, when the hon. gentleman had introduced the subject before the House, he had deprecated a too ready belief of the hon. and learned member's statements, though he did not contradict those statements, and particularly that with regard to the removal of orphan children; but if the statement was well founded, that children, not orphans, were forcibly removed—not, as he had supposed, for the purposes of protection—if it were really true, that 5,000 families had been driven into exile without any proof of guilt, while he could not conceive the policy of such a course of conduct, yet if such was pursued, no man was prepared in stronger terms than himself to express his deep regret and indignation at such a violation of the rights of common humanity. He would remind Russia of her own expressions as to the existence of those rights, and the claims of powerful nations to enforce them, during the war between Turkey and Greece, when the Porte threatened to remove the inhabitants of the Morea. Russia then declared, that such a proceeding was a violation of all the rights of humanity, and that it should not be allowed. After such an opinion, pronounced and acted on by Russia, he still clung to the hope that the statements were exaggerated. If, however, the statements were true, he begged that his non-acquiescence in the present motion should not be considered as a proof that he was indifferent to the wrongs and sufferings of a gallant people, or that he did not share in those feelings of indignation, which, if the conduct of Russia were truly described, would be unanimous throughout the House and the country.

The House then divided: Ayes, 95; Noes, 177; Majority against the motion, 82.

CALL OF THE HOUSE—THE ADMINISTRATION.

JULY 15, 1833.

On the motion that the Order of the Day, respecting the East India Bill, be read,—

Sir John Wrottesley rose to bring forward his motion for ensuring the attendance of hon. members on Thursday next, in case the two Houses of Parliament should come into collision upon the subject of the Church Temporalities (Ireland) Bill. The hon. gentleman, after adverting to the important measures yet to be discussed, concluded by moving, "That the House be called over on Thursday next."

SIR ROBERT PEEL felt it his duty to take advantage of that earliest moment, first, to deprecate all discussion on the motion of the hon. baronet, and next to deprecate the motion itself being persisted in. The hon. baronet had assigned two reasons for bringing it forward, which a moment's consideration could entirely dissipate. In the first place, said the hon. baronet, there are very many important measures before the House, not yet advanced through all their stages, and which should be discussed only in a full House. But how could it be said, that the House had neglected to attend the progress of these measures? Was it not a fact, that the principles and provisions of all those named by the hon. baronet had been expounded and discussed before an unusually full attendance of members? The Bank Charter had been so discussed, the noble lord (Althorp) having yielded to the sense of the House, and postponed those portions which would require a full attendance. If the attendance upon the committee on the East-India Charter Bill was comparatively thin, was not the fair inference that little or no opposition would be made to its progress, its general principle and provisions having been approved by a full House? And as to the West-India question, he never witnessed a fuller attendance than that before which its principles and provisions were minutely detailed. No charge, therefore, could be made of non-attendance in reference to the important measures cited by the hon. baronet. But if even it was not so, he knew not how a call of the House could remedy the evil; for after the form of that call had been complied with, it must be left to every hon. member's discretion to bestow or neglect that close attention to the proceedings which the call was intended to enforce. However, the hon. baronet had not rested his motion on the necessity of a full attendance in reference to this measure. The hon. baronet had told them, that his motion was meant to apply particularly to a measure then before the other House of Parliament; and he gave as a reason for the House's acceding to it, that he had seen in the public prints statements to the effect, that one noble person had characterised the Irish Church Bill as a "measure of spoliation," and that other noble lords had declared they were opposed to the "principle" of that bill. Now, he implored the House not to adopt such rumours as the foundation of their proceedings. They owed it to their own dignity; they owed it to the dignity and independence of the other branch of the legislature. He did not mean to say, that an occasion might not arise when it would be necessary for them to meet and express an opinion in reference to some act of the House of Lords; but he must deprecate their anticipating the possibility of such an event on a mere rumour, or adopting any proceeding which must appear only as an attempt to control and menace the proceedings of the other House of Parliament. What pretext was there for such an unprecedented proceeding? The Irish Church Bill had been sent up to the House of Lords; it was read a first time; it was appointed to be read a second time; the day for that second reading had not yet arrived. Were they, on mere flying rumours and vague assumptions, to anticipate the probable result of that second reading? Such conduct would be most unwise, and in the teeth of all national precedent. It would be more—it would be placing themselves entirely in the wrong. They knew nothing, and constitutionally could know nothing, of the intended acts of the other branch of the legislature, only as itself communicated them. They owed it to themselves, to their own privileges and character, to respect the privileges and character of the other House of Parliament; and they were not to anticipate any result, which might imply that the members of the other House were not men of honour, and men who did not exercise their privileges—not as privileges given them for their own personal advantage, but for the benefit

of the people. When the occasion arose, let them assert their rights, but let them not lower themselves by anticipating such an occasion on mere vague rumour and assumption. He trusted, therefore, that the hon. baronet would withdraw his motion, and he also earnestly trusted, that the discussion on its subject matter would here terminate.

After a brief discussion, the motion was negatived by 160 to 125; Majority against the motion, 35.

CHURCH OF SCOTLAND.

JULY 16, 1833.

Mr. Sinclair, in pursuance of his notice, moved for leave to bring in a Bill for emancipating the Church of Scotland from the thralldom of patronage which had so long deformed its beauty, impaired its usefulness, and grieved the hearts and consciences of its most attached and zealous friends.

The Lord-advocate, while agreeing with the hon. member for Caithness, as to the importance of the subject, deprecated all premature discussion, and requested the hon. gentleman to postpone his motion for more mature deliberation.

SIR ROBERT PEEL would not presume to say a word upon the subject had he not had the honour, for some years, of advising the Crown in its disposal of its patronage in the Church of Scotland. He agreed in the postponement recommended by the learned lord opposite; but he differed from the learned lord in supposing that any thing but a calm would be produced in the Church of Scotland, by devolving upon the people of each parish the right of electing their own pastor. Nor did he think that the characters of the ministers of the Church would be raised by the change. Feuds and discords would arise which now were unheard, and which must prevail, but for the corrective of patronage. He did not contest the point for the sake of the patronage: for whilst he had the honour of advising the Crown with respect to its disposal, it never once occurred that a benefice was disposed of from any political views. If he had any reason to suppose that the majority of the respectable inhabitants of a parish were agreed in the choice of a minister, he advised the Crown to appoint that minister; but if he found canvassing going on, and all the artifices of election had recourse to, in favour of different candidates, he advised the Crown to listen to neither party, but to exercise its right, and make some appointment above all exception. This was not done by taking the nominee of this or of that person, but by consulting some of the most eminent men in the Scottish Church, and taking from obscurity, perhaps, some person of merit, whose deserts deserved to be thus rewarded. If there were abuses in the patronage exercised by the Crown, or by individuals, he saw no reason why such abuses should not be corrected by the General Assembly of the Kirk, if it had the means of correcting them. All opposed the principle of devolving the right of election on the inhabitants of a parish. The dissent pointed out did not, he believed, arise from abuses in the disposal of patronage but from other causes. The question, however, was surrounded with difficulties which had not even been hinted at. Who were to be the electors? And in answering this question, it must be remembered that the object was to ensure harmony in the parish. Were the heritors to exercise this right? That would exclude a great portion of the religious part of the parish. Were the communicants to be the electors? Could it be contended that they were all qualified to join in the choice of a minister? But wherever the right of election was fixed, dissatisfaction would be excited. As there were many persons in Scotland, unprovided with benefices, there would be no lack of candidates for a vacancy. A sort of public trial would take place between them, which would offer a most imperfect means of judging of their merits—a radical defect—since a mistake was irremediable, for the party was elected for life. No doubt the patron might possibly make a bad choice; but he believed that the operation of public opinion would act more strongly upon him than upon individual electors, and make him the fit depository of this power. The election arts, which might not be objectionable in contests for civil offices, would certainly tend to lower the respect for religion, when used in

a contest for a religious office. Besides, if an election were carried only by a small majority, it was clear that a very large part of the parish would be irritated against their pastor, who would, of course, have as little influence over them as over the majority, under whose influence he had been elected. One of the bad effects, therefore, of popular election would be, its tendency to diminish the independence of the minister. He trusted the House, therefore, would not rashly affirm the principle now proposed, but would be ready to apply itself to the removal of any real abuses in the Church of Scotland.

The motion was ultimately withdrawn.

MINISTERIAL PLAN FOR THE ABOLITION OF SLAVERY.

JULY 22, 1833.

Mr. Secretary Stanley moved the Order of the Day, for the second reading of the Abolition of Colonial Slavery Bill.

In the discussion which ensued,—

SIR ROBERT PEEL said, that the position in which the House stood that day, as to the question of slavery, was very different from that in which it stood, when it first entered upon the consideration of it some few days ago. When they then went into committee to consider the resolutions of the right hon. secretary, there had been no pledge respecting the immediate abolition of slavery. The question was then *res integra*, and it was open for any member to deliver his opinions upon it as he deemed fitting. But in the interim, both Houses of Parliament had affirmed those resolutions, and had declared that measures must be forthwith taken for the entire and immediate abolition of slavery. He thought those resolutions unwise, and had in consequence tried to modify them. He had proposed to substitute the word "ultimate" for "immediate;" because knowing, as he did, that the Imperial legislature had power to terminate that state of slavery whenever it thought fit, he still deemed it wise, as the House had resolved to give a certain amount of compensation to the West-India proprietors, to take time to deliberate upon the regulations under which the extinction of slavery was to take place. His opinion, however, had been overruled, and that House, and the House of Lords, had determined to pass immediate measures for the abolition of slavery. It was necessary, therefore, to consider what construction the slaves would put upon those resolutions. He, who differed from the propriety of these resolutions, saw the difficulty which they created; and yet he was not prepared to defeat the hopes which had been excited by parliament. He could not assent to the proposition of the noble lord (Lord Howick). He thought, that to declare emancipation should be immediate, and that to trust in the present state of the West Indies, that the inducement of wages would be of itself sufficient to insure from the slave industrious occupation, was an experiment too hazardous to be made. He had stated that opinion on a former occasion to the House, and he had referred to the relaxing nature of the climate, to the facility of raising the necessary articles of life, and to the circumstance that in those tropical regions the chief luxury was repose and the absence of labour, as proofs that the abolition of the present system, under the notion that wages would induce labour, would be a most dangerous experiment. He also thought that the experiment about to be tried was equally hazardous. He could not believe that the power of the magistrate would be sufficient to enforce the performance of labour. He was afraid that there was some hazard lest the punishment inflicted by the magistrate, if it were sufficient to insure labour, would be much severer than that which was inflicted even by the most arbitrary and despotic masters. He thought it possible that, by adopting the principle of the Spanish law—namely, by holding out to the slave, as a stimulus to labour, the prospect of emancipating himself gradually by the produce of it, and by having that produce, when it reached a certain amount, aided by a grant out of the public treasury, they might promote a measure which would be most for the advantage of the mother country, of the colonies, of the slaves in those colonies, and also of those millions of slaves now in bondage in other colonies over which we had no control. He had thought that, if we had laid down the principle of aiding the slaves by a grant a long way short of £20,000,000, to purchase their freedom by their own

labour, it would have been more for the interest of the slave than the resolutions were which they were now pursuing. If this experiment were not successful, we should injure instead of benefiting the slaves. The resolutions, however, having been carried, he felt it to be his duty to insure, as far as he could, the success of them; and if the House were determined to emancipate the slave, there would never be a heavier imputation upon its good faith than by determining, after making the determination to emancipate the slave known to him, to get rid of the pecuniary compensation to the master. He felt confident that the first resolution was entire and immediate emancipation, or, in other words, the depriving the planters of a certain portion of their property; and should the House turn round upon them with a view to defeating their claim to compensation, it might, indeed, be empowered to do so, but we should incur an imputation upon our good faith, such as had never been previously equalled. Parliament was, in his opinion, bound to make the planters full compensation; but even that compensation would not render the experiment less hazardous. He thought that it was impossible, with the law of apprenticeship as it then stood, the magistrate residing at a distance from the place where the offence was committed, could enforce the performance of labour; and what was to be done in that case was a question on which he entertained an opinion so strong that he would not at that moment venture to express it.

The bill was then read a second time.

BREACH OF PRIVILEGE.

JULY 25, 1833.

Mr. O'Connell rose to call the attention of the House to a matter which he considered of very great importance—the manner in which the proceedings of that House were reported in the public prints. The hon. member then went on to complain of his speeches, and the speeches of other members, having been imperfectly and incorrectly reported in the newspapers. He had procured from the stamp-office a list of the Journal Proprietary of the metropolis, and would wage war with them all till he defeated them. He would move day by day for their appearance at the bar of that House for breach of privilege. The hon. gentleman concluded by moving, "That Mr. W. I. Clement, the proprietor of the *Morning Chronicle*, be called to the bar of the House to-morrow, for publishing certain reports, purporting to be accounts of their proceedings."

Mr. O'Dwyer seconded the motion.

SIR ROBERT PEEL said, he would vote for the motion if he thought it would effect the object which the hon. and learned member had in view—if it would tend to check that which was admitted to be an abuse—the suppression of speeches by reporters, in consequence of their having taken offence at expressions used in that House. But he did not understand how, with all his ingenuity, the hon. member would be able to effect this object by the course he proposed to take. The power of that House was so great in such cases, that the hon. and learned gentleman himself would not call upon them to exert it. They might, if they chose, exclude strangers from the gallery altogether, and that step would entirely prevent the publication of reports. The exertion of that authority, however, would be perfectly in opposition to public feeling, and might be of serious injury to the transaction of public business. And yet what other control had they over the reporters unless they called before them such of them as suppressed speeches, and threatened them for their misconduct, though they might not choose to carry their threat into execution; another course was, not to prevent, but to authorize the publication of reports. He thought, however, that the recognition of reporting, for the purpose of obtaining a verbal and perfectly accurate report of all that passed in that House, would be attended with great inconvenience. This he did not hesitate to say, that, in his opinion, a verbal report of their speeches would not tend to raise the character of any member of that House. To speak of so humble an individual as himself, he should exceedingly deprecate any verbal report of what might fall from him. Yet, if they recognised reporters at all, they must employ Mr. Gurney, or some other eminent short-hand

writer, for the purpose of giving a verbal account of all that passed in the House. Such a plan, however, would not secure a faithful transcript of their proceedings, since so much depended on the manner, and on the occasion, in which things were said. In the present case, the hon. and learned member might depend on it the public would of themselves apply a remedy to the evil. The hon. member was of too much importance in the country to allow of his speeches being suppressed. Supposing the practice of which he complained should be persevered in, other means would assuredly be found than the interposition of that House to put a stop to it. He thought, that if the hon. and learned member were well advised, he would not persist in his motion to call Mr. Clement to the bar, since the House would be unwilling to exert the power they possessed against that individual. It was his impression that the House, reserving to itself, as in his opinion it should always do, the power of excluding strangers, could do nothing to improve the present system of reporting. He confessed he had read with alarm the statement made by the hon. and learned gentleman a few days ago, that the pecuniary allowances made to the reporters had much diminished of late, for he drew from it the melancholy inference that much less anxiety prevailed to hear what the Reformed Parliament said than used to be displayed with regard to the proceedings of its predecessors. The hon. and learned gentleman said, that the reporters' salaries had fallen from six guineas to two guineas a-week, and that only proved to him that the public took only one-third of the interest in what the present parliament was doing compared with former parliaments. He believed, however, that the hon. and learned gentleman was wrong in that statement, and that he had since corrected it. With respect to the reports of the debates in that House, he must say that it appeared to him that they were given with great impartiality and wonderful fidelity. He really thought that, considering the unwillingness which was often manifested by the members of that House themselves to listen to speeches, the reporters ought to be excused if they did not report every word which was uttered. At times, too, much confusion prevailed in the House, and in the course of that evening, when an hon. member got up to speak, many gentlemen rose and quitted their places, causing in consequence so much noise as to render accurate reporting almost impossible. Undoubtedly, not only the hon. and learned member himself, but the public also, had a right to complain of his being made a victim of the prejudices of the reporters, yet he would advise the hon. and learned member, after having by his motion elicited the unanimous opinion of the House, that the grievance of which he complained was an abuse, not to press it. He thought that the hon. and learned member had better withdraw his motion, than force the House either to negative it or to carry the previous question. The public were interested in obtaining fair and impartial reports of the debates in that House, and there need be no apprehension entertained but that this abuse would correct itself. If, however, justice was not done to the hon. and learned member in future, he was confident that a fortnight would not pass over without some means of checking the evil, more effectual than the interposition of that House, being adopted. In his opinion, the interposition of the House would not procure the redress which was wanted, for he thought the mutilation of speeches worse than their entire suppression; yet it was perfectly impossible to prevent that mutilation. It was ridiculous to suppose that the House could sit in judgment on the merits of every report of speeches delivered in that House. The right hon. baronet concluded by repeating his advice, that the motion should be withdrawn.

Mr. O'Connell said, he should postpone his motion for the present, but renew it on this day week, unless the reporters altered their conduct with respect to him.

The motion was withdrawn

JULY 26, 1833.

Mr. O'Connell again rose to complain of a breach of privilege in a letter in *The Times* of this day, signed by the reporters of that journal, refusing to report him, unless he apologised for having asserted that some of the reports were designedly false; but as that was the truth he had no apology to offer. He had been accused of want of personal courage, but some members had a great want of moral courage, which prevented them grappling with the press. The hon. member was determined that the privileges of the House should not be trampled on in his person, and he

would therefore move, "That James Lawson and John Joseph Lawson be called to the bar of the House on Monday."

The motion was agreed to.

JULY 29, 1833.

Mr. O'Connell moved that the Order of the Day, for the attendance at the bar of John Joseph Lawson and James Lawson, be read.

In the debate which followed—

SIR ROBERT PEELE said, that it would well become the House to consider, before they took the first step, to what it must lead. At the same time he perfectly saw the nature of the complaint. The hon. and learned member admitted, that the privileges of that House were not observed by the reporters—that they connived at the non-observance of them—that he was ready to acquiesce in that non-observance; but then he insisted that the reports should be impartially given. The question, however, was, whether the course the hon. member proposed to pursue, would enforce that impartiality. The hon. and learned gentleman had skilfully tried to prevent any man from taking a different view of the subject from himself, by calling that difference of opinion "a shrinking." He did not know whether he (Sir Robert Peel) was to be accused of shrinking under the despotism; but he certainly differed from the hon. and learned gentleman on this subject. For himself, he had been unpopular with almost all parts of the press, but at the same time nothing had deterred him from stating what was true. He had been twenty years in parliament, and he had never had reason to complain of any wilful misrepresentation, or omission amounting to anything like a misrepresentation; and he had never had any communication with the gentlemen who reported the debates, beyond once or twice furnishing them with documents which he had referred to in the course of his speech. He thought, on the whole, looking at the necessity of having these reports, both in that and the other House of Parliament, considering the intention of supplying the public with a general transcript of what took place in the two Houses, that the task thus undertaken was performed with great impartiality and fidelity. He would mention another circumstance. He had been in office fifteen years, and he had never received any communication directly or indirectly from any gentleman connected with the newspapers—and he thought it highly creditable to the body—asking for a single favour, on condition of placing his speeches in a favourable light. Whatever testimony, therefore, he bore to their conduct, had this recommendation, that it was completely impartial. He must say, when the hon. and learned member stated himself to possess a power in that House which should not be controlled by King, Lords, or Judges, the hon. member ought to recollect, that because he did possess such a power, for the exercise of which he was completely irresponsible, he should use it temperately. If the hon. member spoke of the whole body of reporters as giving his speeches not only not correctly, but in a manner decidedly false. [Mr. O'Connell only alluded to *The Times*.] He must be allowed to speak from his recollection—the charge was general.

Mr. O'Connell intended to confine his remarks to the paper that was now before them.

Sir Robert Peel: Then why did the hon. and learned member first bring forward a motion against the *Morning Chronicle*? He understood that there were forty or fifty reporters, some of them holding commissions in the Army and Navy, several at the bar, most of them having received an academical education, and occupying, therefore, the situation of gentlemen. They naturally felt sore at the imputation of "designed, deliberate falsehood." He was bound to say this in their vindication. At the same time he could not think that any wrong they might endure from the hon. and learned member could justify them in suppressing his speeches. They were, though not officially or publicly recognised as such, yet they were, in fact, public servants—they entered into an implied engagement, of fidelity in their reports, not only with that House, but with the public; and whatever wrong they might have reason to complain of from an individual member, they ought to recollect that they had a paramount duty to discharge to that House and the public, and ought not to make a private quarrel with any individual a pretext for the neglect of that duty. If the hon. and learned member would only pause awhile, he would have complete

justice rendered him. What was the volume to which he had referred?—It was *The Mirror of Parliament*. Did he complain of that?—No. The reporters for that publication had not entered into any resolution to suppress his speeches; and a month would not elapse without that or another publication being more sought after; or some other newspaper would be established, and do justice to the hon. member. The motion was, that the printer should be brought to the bar. It was material to consider what would take place when he came there. The charge against him would be perfectly intelligible—namely, that he had not given a fair and full report of the debates. It savoured rather of a jest to say, as had been said, that the complaint would be, that the reporter had not violated their privileges. The complaint would be, that professing to report their debates, he did not act impartially. But what assurance could they exact from him? A promise that he would publish all the debates correctly. Would it be possible, as their orders now stood, to exact such an assurance? Could the speaker require from the reporter a pledge that he would fairly and impartially report debates—the reporting of which at all was a manifest breach of the privileges of that House? The hon. gentleman had the power in his own hands—he might clear the gallery; and, if he did anything, that was what he ought to do. The hon. member said he would do it; then let him do it manfully in the first instance. They were about to call before them one proprietor of a newspaper. Observe what would be the consequence of their embarking on this perilous voyage. The hon. member said he would inquire whether the reporters were masters or servants; and if servants, he should insist on their dismissal by the proprietors who employed them. He threatened to begin with *The Times* newspaper, and pursue the same course with all the others. Was this a very seemly contest for the House of Commons to engage in? Was it fitting that the House should undertake to prescribe to newspaper proprietors whom they might or might not employ as reporters? The hon. member might delight in such contests, but the House had better pause before they committed themselves as parties to them. The hon. member, if he wished to resort to the step of stopping the publication of the debates, had only to do that which had been done before—to notice the presence of strangers in the gallery, and exclude them. That was the natural and proper course. In his opinion the hon. gentleman would be better advised; if he would pause altogether, he would shortly find ample justice done to him by competition—by desire to supply the public with information. He, for one, should object to the House of Commons being brought into collision with the editors of newspapers. By attempting to dictate to them the mode of managing their concerns, and the persons they were to employ, the House of Commons would be undertaking a task they could not execute, and assuming a power which they did not rightfully possess.

The order of the day for the attendance of Messrs. Lawson was then read.

Mr. O'Connell moved that they be called in.

Mr. Methuen moved, as an amendment, that the order be discharged.

Mr. John Stanley seconded the amendment.

After a short discussion, the House divided on the amendment: Ayes 153; Noes, 48; Majority, 105.

On business again proceeding, after the division, the gallery was immediately cleared on the notice taken by Mr. O'Connell that it contained strangers, and it was kept closed for the remainder of the evening.

NATIONAL EDUCATION.

JULY 30, 1833.

Mr. Roebuck, at the close of a very able speech, proposed the following resolution:—"That this House, deeply impressed with the necessity of providing for a due education of the people at large—and believing that to this end the aid and care of the state are absolutely needed, will, early during the next session of parliament, proceed to devise a means for the universal and national education of the whole people."

Mr. Grote had great pleasure in seconding the motion.

Mr. Hume hoped, as the present motion was only preparatory, the noble lord would

not object to it. It pledged the House to nothing further than to the opinion, that education ought to be bestowed on the people, and he should give it his support.

SIR ROBERT PEEL differed from the hon. member for Middlesex, as to the policy of the House entering into engagements with regard to what it would do in another session. He objected also to its entering into the consideration of a mere abstract resolution. There had been more notices for the discussion of mere abstract resolutions this session than he had ever recollected at any former period. Resolutions establishing abstract principles were just the very opposite to the course which the House ought to pursue. We should consider the difficulties surrounding practical questions before we entered into engagements on principles which we were not certain that we might be able to carry into execution. Few persons, he thought, would be found to deny the great advantage of extending the benefits of education among all classes of our countrymen; but it was not quite correct to assert that education in this empire was so very imperfect. He believed that almost every gentleman who heard him, endeavoured, in his own neighbourhood, to diffuse the blessings of education; but that did not appear to the hon. and learned member to be enough, for he thought that the care of the state was also necessary. Now, that was a doubtful question; but even if it were not, a bill should be brought in to show how it was practicable, instead of a vague resolution like the present. "But," said the hon. and learned gentleman, "it is necessary for this House, with the smallest delay possible, to devise means for establishing a system of universal national education." Now, it would be necessary, in the first place, to decide what a national education would be in three countries which differed so much from each other, in many respects, as England, Scotland, and Ireland. The hon. and learned member had mentioned the case of Prussia, and had said, that it was a great shame that we had not here an officer of state to superintend education. Free countries enjoyed many advantages; and so, too, did despotic countries, both in the management of their police and in their means of superintending public education. It was found, however, rather difficult to unite the advantages of both in one country. A compulsory system of education appeared to him to trench upon religious toleration; for it must, almost of necessity, interfere with religious opinion. The officer of state who had to superintend education, would have to provide books for the different schools. Now, this might be excellent in Prussia or in France, where the government was so different from our own; but if we were once to establish in this country an officer with power to superintend the education of children of all sects of religion, with power to select their books of instruction, we should excite apprehensions of general intolerance being intended by the government,—we should create jealousy in every part of the country. He did not wish to speak with disrespect of the mayors of this country, but would the French system of leaving the education of every town to its mayor do here? Any bill which made the mayors of the different towns of England comptrollers of education within them, would create a degree of jealousy and resistance which the hon. member would not be able to overcome. He would himself give every facility to education. He thought that the diffusion of education would produce great benefit; but, in a country like our own, which was justly proud of its freedom, he doubted whether it ought not to be left free from control. The subject was so environed with difficulties, that he objected to their making any magnificent promises respecting it, whilst they were yet in ignorance of the difficulties with which they might have to contend.

After some remarks by Mr. Wilks, Mr. Roebuck consented to withdraw his motion.

MINISTERIAL PLAN FOR THE ABOLITION OF SLAVERY.

JULY 31, 1833.

The House went into Committee on this Bill.

On the question being put that the blank in clause 25 (giving power to the treasury from time to time to make grants for the compensation of the planters) should be filled up by the insertion of the words "twenty millions,"—

SIR ROBERT PEEL said, his vote would be given on one single ground, a very simple one, but on that account not the less binding. The House of Commons had come to three deliberate resolutions; the two first declaring that slavery should be abolished in the colonies; and the third, that a sum of £20,000,000 sterling should be appropriated as compensation to the planters, whose rights such abolition tended to affect. Those resolutions having been agreed to, were communicated to the House of Lords, and being by them affirmed, were transmitted to the several West India deputations. He had not voted on the last resolution, but as it had been agreed to by the majority of the House, he felt himself as much concluded by it as if he had. Now, was the House prepared, under such circumstances, to say, that their solemn resolution respecting the compensation should go for nought, and that, although slavery might be abolished, the planters should not receive that compensation which was promised them? The question they had to decide was, whether they could recede from their former vote. If they could recede from the resolution that slavery should be abolished, and could replace the planters in the situation they were in before the resolutions were discussed, then they might shrink from granting twenty millions as a compensation; but if it was impossible for them so to recede—after announcing that slavery should no longer exist in the colonies—he did not see how they could recal the solemn and deliberate pledge given by both Houses of Parliament, that the sum for compensation should be £20,000,000. To say to the planter that a nice distinction about a mill and a stream, or a farmer and his horses, had so satisfied the minds of the House against the propriety of compensation, that although slavery should be abolished, he should receive nothing, would be little pleasing to him, be he however pleased with metaphorical or ingenious arguments. He was free to admit that £20,000,000 was an enormous sum in the present situation of the country; but as it had been agreed to by two branches of the legislature, with the authority of the Crown, that such a sum should be granted, without saying whether it were more or less than the planters were entitled to, he considered himself concluded from diminishing it. There were many questions on which the first announcement of the king's government, founded on the authority of the king, was decisive: and the present was one of them. The authority which the announcement that slavery was to be abolished had shaken, could not now be restored, unless the resolutions to which the House had come were carried into effect; and, acting on that ground, he considered himself precluded from retracting from any one of them.

Sir Eardley Wilmot wished to know from the right hon. baronet if parliament was precluded from reconsidering a resolution to which it had come? Did the right hon. baronet mean to say, that after agreeing to a resolution that a sum not exceeding £20,000,000 should be granted as compensation, the planter was precluded from subsequently declaring that a lesser sum would be sufficient? The resolution fixed the maximum; but he was quite sure it was competent for the House to reconsider that resolution, and take any lesser sum.

Sir Robert Peel: Technically speaking, undoubtedly the House could reconsider and retract from any resolution; but at the same time it was a question whether by doing so the House would not be guilty of a breach of good faith.

After a brief discussion the committee divided: Ayes 132; Noes 51; Majority 81. The clause, with the proposed insertion, agreed to.

RENEWAL OF THE BANK CHARTER.

AUGUST 2, 1833.

The Order of the Day having been read, for the second reading of the renewal of the Bank Charter, Lord Althorp moved that the Bill be read a second time.

Mr. Poulett Scrope moved as an amendment, that the Bill be read a second time that day six months.

Sir Henry Willoughby seconded the amendment.

SIR ROBERT PEEL said, that as regarded those parts of the bill which related to the extending of certain privileges to the Bank of England, it had his assent; and he should, therefore, vote for the second reading. He thought, upon the whole, how-

ever, that the contract made was a very improvident one for the public; but that contract having been entered into by the authorised officers of the government, he could not, without stronger grounds than any which he saw, be a party to its violation. The nature of the bargain, as between the bank and the public, was clearly indicated by the fact that bank-stock since it became known had risen from 193 to 208. Assenting, however, as he did, to the bill generally, there was one clause to which he very strongly objected, and that was the one which made the Bank of England notes a legal tender. And if any thing could increase his objection to the principle of that clause, it was done by the mode and time and place in which such a principle was proposed for the adoption of that House. As to the time, he objected that a principle entirely changing the monetary system of the country should be proposed to the House at midnight on the 2nd of August. His objection to the place was, that a question so independent and so important in itself should be embodied at all in such a measure as the present bill. It was no part of the contract with the bank as far as he could understand; and he would ask, then, was there any prospect of such an immediate danger of commercial or political panic as to make it necessary to introduce in this measure a clause giving up the principle of the convertibility of paper into gold? The right hon. gentleman had said, that the change would not materially increase the paper issues of the bank. That word "materially" admitted the whole question, and was enough to show that the measure would in effect destroy the convertibility of paper. Then as to the mode. The clause was introduced in the middle of this bill without a word to explain for what reason it had been adopted. He could not help admiring the modesty of the framers of the clause. They could not even condescend to say, that "whereas it was expedient" to make the provisions it contained. There would be nothing whatever upon the face of the act, if it should be passed, to show posterity why such an important alteration was made on the monetary system. He objected entirely now to enter upon this slippery path, from which he was satisfied it would be impossible to retrace the steps which it was proposed in this respect to take. The measure, with such a provision, would enable any man to issue his paper purporting to be payable to bearer on demand, and, instead of fulfilling that contract in bullion, he would be enabled to meet it by a note convertible only in London. This would be intrusting to parties over whom the nation would have no control, not only a complete power over the currency, but also an interest, and a direct one, to abolish a gold currency. He begged to ask the noble lord (the chancellor of the exchequer) whether, if an individual had a demand upon another for £5 2s., the first could discharge the demand under the bill with a £5 note and 2s.? [Lord Althorp: Yes.] Then, in such a case, what provision was there in the bill to prevent a country banker from sending forth notes for £5 5s., which would be a complete departure from the present system; and as the country banker could pay his note with a £5 Bank of England note and 5s., it would never be necessary for him to be possessed of any bullion or gold, in order to be enabled to satisfy the demands of his customers. He could also conceive another inconvenience which would arise from the proposed measure—namely, that at the ports foreigners would, instead of getting gold, be obliged to take notes. He feared this clause would tend to increase the evils so much to be dreaded, and to it he could not give his consent. The proper time, however, would come for entering into a full discussion of its provisions, and he would not now further enter into it.

Lord Althorp having replied; Mr. Poulett Scrope declined to divide the House, as many of the members who would support his motion had gone away. The bill was then read a second time.

SIR JOHN KEY.

August 5, 1833.

Mr. Harvey moved, that a new writ be issued for the election of a member for the city of London, in the place of Sir John Key, who had accepted the Chiltern Hundreds.

Sir Henry Hardinge said, the motion just made would of course prevent him moving for the Committee, of which he had given notice, but the petition he had to

present referred to two points; first, the breach of privilege; and secondly, the conduct of the government in appointing the son of Sir John Key to the situation of storekeeper in the stationery-office. He then adverted to the petition, which set forth that by the appointment of Master Key to this office (a youth of eighteen years of age), while his own father was a contractor for stationery, they had no security that their wares would be fairly judged, or the public that their interest would be fairly and impartially considered. The right hon. baronet then moved that the petition be read at length.

Lord Althorp stated, in explanation, that as soon as the circumstance was known the appointment had been cancelled. He fully admitted the impropriety of appointing to such an office a connexion of the person who had the contract. The noble lord submitted to the right hon. gentleman whether, as Sir John Key was liable to prosecution for penalties, it would be fitting in that House to pursue the enquiry at the present moment?

SIR ROBERT PEEL said, that it appeared to him that the most strange part of the whole proceeding was, the motion making it doubtful whether Sir John Key was still entitled to be a member of that House. He regretted that Sir John Key had been allowed to vacate his seat, for if the vacancy happened at all, it should take place in execution of the law, and not in avoidance of it. If Sir John Key had been a contractor with the government, his seat was void by the law; and they ought to have an opportunity of knowing whether it was so; and he ought not to be permitted, by the interference of the executive, to avoid the question, whether he was a fit person to have a seat in that House. This House of Commons dared not refuse to enquire. If the statement made in the petition was correct, he would venture to say, that under an unreformed parliament no government would have permitted such a transaction, nor any House of Commons have allowed it to escape enquiry. The act by which contractors were prevented from sitting in parliament was passed in consequence of that memorable resolution of Mr. Dunning in 1782—"That the influence of the Crown has increased—is increasing—and ought to be diminished." That act contained provisions declaring, that no man entering into any contract for the supply of articles for the public use should have a seat in parliament, and that no man in parliament should enter into any such contract, and retain his seat; and it further declared, that "in every such contract, agreement, or commission, shall be inserted the condition that no member of the House of Commons shall be admitted to have, directly or indirectly, any share in the gains, profits, or benefits arising therefrom." Was that condition inserted in this contract? If so, after that could it be permitted that Sir John Key should become the contractor? That matter deeply affected the honour of the House, which was bound to enquire how such a transaction could take place. It appeared that the contract was nominally entered into with Mr. Muggleston Key, but really with Sir John Key. If it were possible to evade this act of parliament, and to permit the brother of a member nominally to enter into a contract, while the member himself was the virtual contractor, and would become entitled to all the advantages of the contract, that ought to be met by an immediate legislative remedy. In the petition presented by his right hon. friend it was stated that it was capable of proof that Sir John Key, being a member of parliament, was the real contractor; that that contract was for paper amounting to a sum of £60,000; that Sir John Key's brother had retired from business, and that Sir John Key himself supplied the articles, and was in daily communication with the stationery-office on the subject. He repeated, that they ought to have an opportunity of knowing whether these were the facts, in order, if the law could be so evaded, that they might apply a remedy. But superadded to all this was the statement that Sir John Key had got his son placed in that office, by which the quality and the quantity of the article furnished were to be ascertained. The noble lord said that nothing had been stated at the treasury of the age of this young man. That ought, however, to have been enquired into. It was the duty of the person at the head of the department to which he was appointed, not to acquiesce in that appointment, but to remonstrate against it on account of the young man's age; he should have made a representation to the treasury, for although the youth was the son of a stationer, it was impossible that he should be practically acquainted with the business, any competent knowledge of which his age must have precluded him from acquiring. It was not sufficient to say,

that his relationship was not known—his age ought to have disqualified him; he had to enter into a bond for the satisfactory performance of his duties, and it was impossible he could enter into any valid bond at that age. He knew nothing of these circumstances, except by the petition which had been presented; but he thought the House of Commons owed it to their honour and character to institute an enquiry, not for the purpose of obtaining penalties, but of ascertaining how such a transaction could have occurred, and of preventing it in future.

The petition having been laid on the table; Sir Henry Hardinge moved for a select committee to examine into the allegations of the petitioners.

Committee appointed.

TITHE ARREARS (IRELAND).

August 5, 1833.

The House having gone into Committee on this Bill,—

Mr. Littleton, after laying before the committee an estimate of the amount of arrears of tithes that remained due in Ireland for the years 1831, 1832, and 1833, proposed the following resolution:—"That his Majesty be enabled to direct exchequer-bills, to an amount not exceeding £1,000,000, to be issued for the purpose of advancing, under certain conditions, the arrears of tithes due for 1831 and 1832, subject to a deduction of twenty-five per cent.; and the value of the tithes for 1833, subject to a deduction of fifteen per cent., to such persons as may be entitled to such arrears on such tithes, and as may be desirous of receiving such advances, and that the amount advanced shall be included in the tithe composition, so as to be repaid in the course of five years, being payable by half-yearly instalments."

SIR ROBERT PEEL said, before this motion was voted, it was absolutely necessary they should understand the principle on which it was asked for; so strange did it appear to him to be, that he really was almost convinced that he was in error himself upon the subject. The principle, as he took it, was to advance to lay and other tithe-impropriators, who might not have received their tithes for two years past, or who may not receive them for the present year, this sum of money; and the Crown was to be the party advancing, and the party claiming an equivalent for that advance at the expiration of five years, till which period the amount was to be added to the composition fund, and after all only to be paid off by instalments. Last year they had gone on another principle to that which they now proposed. They had gone on this principle—that the incumbent was unable to collect his tithe, and therefore the Crown should be called upon to levy for the clergy. Last year, when the grant of relief had been made, a very different principle had actuated and directed the proceedings of the government with reference to the clergy of Ireland. He admitted that the state of the clergy in Ireland was such, that it was impossible for him to withhold his vote of assistance to that deserving and meritorious body. The hon. and learned gentleman, who might be said to represent the clergy of Ireland in that House, said that the money ought to be paid to the clergy without any deduction. Nothing could be more natural than such a proposition on his part, on behalf of the clergy; but, there was another party whose interests must be considered—the people of England, who had already paid their own tithes. This sum ought to be paid by the people of Ireland, in what proportion by the landlord and tenant he would not stop to discuss; but if this legal charge was to be transferred to the people of England, who had already obeyed the law, it would certainly be holding out a premium to the disobedience of the law. They ought to endeavour to strike a balance between the interests of the Irish clergy and the interests of the people of England. He hoped that the House would support government in their rigorous efforts to enforce the authority of the law in Ireland. He objected to the principle of the vote; he would say nothing of the grant to the West India proprietors, because that was a peculiar case; but if ministers proceeded on the principle of solving their difficulties by large votes of money to be levied on the people there was an end of all hope of improving the financial affairs of this country. This principle of escaping from temporary difficulties, by votes of money from the public purse, was one which would involve the country in inextricable confusion. He hoped, at least, that the details of the

measure would be maturely considered, and the best security possible taken to obtain the repayment of the money from those by whom it was due in Ireland. He should augur the worst possible result from the present vote, if the course now about to be adopted should be allowed to be drawn into a precedent, and unless it was followed up by a vigorous effort to compel payment from those from whom the money was really due.

After a short discussion, the committee divided on the resolution:—Ayes, 87; Noes, 51; majority 36.

ADDRESS IN ANSWER TO THE KING'S SPEECH.

FEBRUARY 4, 1834.

The House having been summoned to the House of Lords to hear his Majesty's Speech, the Speaker, accompanied by several members, repaired thither for that purpose. On their return, the Speaker read to the House a copy of the King's Speech.

Mr. Shaw Lefevre then rose, and after briefly addressing the House, concluded by moving, that an humble address be presented to his Majesty in answer to his Majesty's most gracious Speech from the Throne.

The address, which was seconded by Mr. Morrison, was, as usual, an echo of the Speech.

SIR ROBERT PEEL said, that with a few qualifications, he was happy to be enabled to concur in the address which had been moved. These qualifications were not very important, but, to avoid misconstruction, it was his duty to state them. With the greater part of the address he found no fault; indeed, with the exception of that part of it which referred to the agitation and excitement prevailing in Ireland, by which it was attempted to promote the Repeal of the Union—with the exception of that part, he must be a fastidious man who could object to an address which neither contained an opinion, nor gave a pledge. For himself, he fully concurred in the feelings of regret and indignation expressed at the agitation for the Repeal of the Union; and with that portion of the address he most fully and cordially agreed. He rejoiced to hear that it was the intention of those who supported Repeal to submit that great question to a full and fair discussion. He rejoiced at this, because he believed, that if sound reason prevailed, nothing would be more easy than to show that ever since the union with Ireland, the disposition of England towards her sister country was, to deal out impartial justice; nothing also would be more easy than to show that the consequences of a Repeal would involve a separation of the two countries, either immediate or protracted only by a long, disastrous, and perhaps fatal conflict. He approved of the general policy of avoiding, in a King's Speech, the introduction of subjects which were likely to provoke any violent differences of opinion. He had always wished to see the speech framed in such a manner as, without any violence to individual feelings, or sacrifice of political principles, should insure unanimity at least on the first day of the session. As far, therefore, as the speech avoided any provocation to the discussion of measures in detail, or calling for any distinct pledge as to the measures to be proposed, so far did he concur in the policy by which it had been dictated. Having had himself some experience in framing these documents, he must confess his admiration of the dexterity which had contrived to put in the speech so many words meaning nothing.

"True, no meaning puzzles more than wit."

And it was in this sense that he was puzzled with the speech before him, in endeavouring to conjecture, in any one particular, the intentions of his Majesty's government. If they had any intentions—if they had made up their mind as to the introduction of any one measure, it would have been respectful to the House, not to call for pledges as to that measure, not to enter into details, but to announce the simple fact, that such a measure would be proposed on the authority of the King's government. As the matter now stood, it was impossible to say that his Majesty's ministers intended to bring forward any measure whatever, except one for the final

adjustment of tithes in Ireland With regard to Church Reform, Municipal Corporations, and the Poor-laws, all the information the ministers condescended to give the House was, that the reports of certain commissions would be laid before them, in which they would find much useful information, and by which they would be enabled to judge of the nature and extent of any existing defects and abuses, and in what manner the necessary correction might, in due season, be safely and beneficially applied. If his Majesty's government had any measures to propose on their own responsibility—measures carrying with them their authority—it was due to both Houses of parliament to intimate such intention. That certainly was the uniform course; and he could not carry his approbation of the principle of avoiding every disputable subject so far as to approve of keeping the legislature wholly ignorant of the intentions of government. One of the first sentences of the speech spoke of the difficult and important measure of last session—the bill for abolishing slavery. Since that bill was passed, no man could attach more importance to its final success than he did—no man could more sincerely hope that the apprehensions which were formed respecting its operation and results might prove to be ill-founded. Its success was of the highest importance, not only to the commercial and colonial interests of this country, but to the best interests of humanity and civilisation throughout the globe. Our success might induce other nations to venture on a similar experiment. The address would, however, have been more satisfactory to him if its language had been less sanguine as to the future, and if it had, at present, refrained from calling on them to say, that they already had just grounds for anticipating the happiest results. He hoped that such might be the case, and possibly his Majesty's ministers might be in possession of information which afforded them such grounds. The expression, however, was in the superlative degree; and he thought the manner in which the Act had been received in the West India islands, could not, alone, justify the use of so strong an expression. Nothing had yet occurred in the colonies to enable them to predict with confidence that the measure would be completely successful. Jamaica and other colonies had certainly shown a strong disposition to adopt it, for the purpose of obtaining the pecuniary compensation which it gave them. This, however, was but one step towards the success of a measure which would effect a total and complete change in all the relations of colonial society. As to the expressions in the address, which referred to the foreign policy of the country and the existing state of our relations with other powers—he could only say with the address, that he hoped for the best. He would add, however, that the view of our foreign policy was not satisfactory, and that, even on the showing of the address, we had no right to congratulate ourselves on this subject. He most cordially approved of that part of the address which spoke of the disposition of his Majesty's government to secure to the people the uninterrupted enjoyment of the blessings of peace. It was impossible for any person to be so deeply impressed as he was with the importance of our commercial and manufacturing interests, with their importance not only to the prosperity of the nation, but to the moral and social interests of the people, and not be also deeply impressed with the conviction, that universal peace was absolutely essential to the protection and advancement of those great interests. He considered it of the highest importance that a good understanding should exist between France and this country. Such an understanding would pave the way to an improved commercial intercourse (an intercourse which was of double importance—first, to our commercial prosperity; and next, to the security of peace between the two countries), by affording an additional guarantee in the interests and feelings of the people for its preservation. But he hoped it was possible to maintain amicable relations with France, and at the same time to conciliate the good will of other countries. Certainly his satisfaction at the good understanding prevailing with France would be greatly mitigated if he thought that understanding was of an exclusive nature, calculated to excite the suspicion and jealousy of other powers. The address admitted, that with other countries with which we were nearly connected our relations were not satisfactory. We were still far from a final adjustment of the differences between Holland and Belgium. Civil war continued in Portugal, and had now extended into Spain. If the tranquillity of the Peninsula, were (as admitted by the speech) of the first importance to England, it was impossible to close their eyes to the melancholy fact, that almost the whole of the Peninsula was at this moment

convulsed by civil war; and, without wishing them to provoke a discussion on foreign policy, he felt that he must, on this very ground, protest against the policy which his Majesty's ministers had thought proper to adopt towards Portugal. He believed, that the civil war in Portugal existed solely in consequence of the interference of this government. Ministers had, indeed, put on a specious neutrality; but how often was it practically broken? The permitted violation of the municipal laws of this country, and the abstinence of the Crown from taking measures which might have been justly taken, alone prevented the termination of this civil war some time since. He had never concealed his opinion of Don Miguel's acts, connected with his original accession to the throne; but, after the lapse of two or three years had proved that the people of Portugal were not dissatisfied with his rule, however objectionable it might be to some eyes,—the time had come, notwithstanding his perfidy towards us, when we were bound, in conformity to our usual practice, to the usual practice of all civilised countries, to recognize him as king *de facto*. As to the integrity of Turkey, if that really were an object—if it were considered of first-rate importance that its independence should be preserved inviolate—he must say it was now too late to declare, that the attention of his Majesty's government would be directed to prevent new changes after the vital change which had already taken place. To speak now of the maintenance and stability of that empire was long after date; and if there were no better guarantee for the prosperity of England and the preservation of peace in Europe, than the future stability of the Turkish empire, we had slight security indeed, either for prosperity or peace. The rest of the address, and the language in which it was worded, were so much matter of course, so framed upon ancient models—so like the work of a Tory government—that he could not help approving of them. The estimates, of course, were as low as possible. Attention to economy was a matter of course. The condition of the revenue was satisfactory—he was glad to hear it. As to the distress of the occupiers of the land, from all the experience he had, he could bear the fullest testimony to the truth of that assertion. If any thing could be done to remedy this, and remove those local burthens to which the land was exclusively or peculiarly subject, he should feel himself called upon most imperatively to support such a measure. It was, however, highly satisfactory to observe the increasing prosperity of commerce and manufactures, and much was to be hoped from their ultimate re-action on the landed interest in promoting the prosperity of the latter. It had always been a maxim, that the commercial and agricultural interests waxed and waned together; and therefore he hoped that the latter would ultimately derive the benefit that was to be expected from the increasing prosperity of the former. He felt, too, peculiar satisfaction that this improvement in commerce and manufactures had taken place without the necessity of resorting to any of those changes in the currency with which they had been threatened. The wisdom of adhering to a metallic standard was now, he hoped, established. It was now proved, that such a standard was by no means inconsistent with the most rapid and extraordinary extension of the commerce and manufactures of the country. When the details entered into by the seconder of the address should be substantiated by official returns, they would do more towards settling this much-disputed question than all the debates and divisions that had hitherto taken place upon it. It was not his intention to move any amendment. He gave his cordial concurrence to the address in most of its particulars. Above all, he approved of the language held with regard to the determination of government to maintain the Union between Great Britain and Ireland; a union which, in his unalterable opinion, was essential to the safety and power of the empire, and, above all, to the happiness and prosperity of Ireland herself.

After a short discussion, the address was agreed to.

CHARACTER OF THE IRISH MEMBERS.

FEBRUARY 5, 1834.

Mr. O'Connell called the attention of the noble lord (Althorp) to a statement that had appeared in the newspapers, viz. :—that an Irish member who had spoken

with great violence against every part, and voted against every clause, of the coercion bill, had gone to ministers and said, "Do not bate an atom of the bill, for it is impossible to live in Ireland without it." He wished to ask the noble lord—first, whether he or any other member of the cabinet had ever stated that an Irish member had acted in the manner described; and, secondly, whether any Irish member ever went to the noble lord, or any other minister, and made the statement which had been imputed to him?

Lord Althorp replied that, to the first of the questions, he could answer positively for himself, and to the best of his belief, for his colleagues, that no such assertion had ever been made. With respect to the second question, he was of opinion that he should not act properly if he did not declare that he had good reason to believe that some Irish members (certainly more than one), who voted and spoke with considerable violence against the bill, did, in private conversation, use very different language.

Mr. Sheil would beg to ask the noble lord whether he was one of the members to whom he alluded?

Lord Althorp replied in the affirmative.

A scene of indescribable confusion followed, in the midst of which, the Speaker called on the hon. member (Mr. Sheil) to leave the case to the consideration and judgment of the House; failing which, the House, however reluctantly, must do its duty.

SIR ROBERT PEELE thought it extremely desirable that the hon. and learned member should be fully convinced that the House had no intention whatever of imposing upon him a line of conduct that could by possibility be deemed derogatory to his personal honour. The question appeared to him to stand thus: There was a charge against the public character of the hon. member, but there was none other. The House, therefore, required from the hon. and learned member a declaration that he would not resort to means well understood and foreign to the rules of that House to relieve himself from the charge. The House asked from the hon. and learned member no concession whatever. It had never occurred to him that the noble lord, when he used the word "responsibility," meant to place himself in personal opposition to the hon. and learned gentleman. All that he understood was this, and he believed it was the general feeling of the House, that the noble lord, being asked as a minister whether or not a certain statement had been made, said it had, and that he believed in the person who made the statement, but that he could not disclose his name, and, therefore, he took upon himself the responsibility of declaring that there had been such a statement.

Mr. Sheil said: "Will not disclose."

Sir Robert Peel: Why, the noble lord could not. It was impossible he should mean to attach to himself a personal responsibility.

Mr. Sheil: He said so.

Sir Robert Peel: The hon. and learned member fixes a technical meaning upon the word. He declared solemnly upon his honour, as a man and a gentleman, that he could see nothing in the slightest degree derogatory in the course proposed to the hon. and learned member. No concession was asked. On the contrary, the hon. and learned member was left at perfect liberty to take whatever steps he thought necessary for the vindication of his public character, in the assembly in which it had been attacked; and that assembly had a perfect right, and was bound to require at his hands, an assurance that that which was properly within its jurisdiction should not be transferred to another.

The Speaker then called upon the hon. and learned member for Tipperary to assure the House, that the matter now before the House should not be prosecuted by him out of its walls, but should be left to abide such decision as, upon enquiry, the House may think proper to come to.

Mr. Sheil having remained silent to the call,—

Sir Francis Burdett moved, "That Richard Lalor Sheil, having declined to obey the call of the House, communicated to him through the chair, be taken into the custody of the sergeant-at-arms."

The Speaker then demanded the like assurance from Lord Althorp.

Lord Althorp, after a pause, said, that a consideration for what was due to himself

must prevent him from giving a pledge not to respond to any call that might be made upon him.

Sir Robert Peel thought there was another party deserving of some small consideration in the present matter, and that was the House. He felt the hon. baronet would now only discharge his duty by amending his motion, and at once moving, that both the noble lord and the hon. and learned member be committed to the custody of the Sergeant-at-Arms.

Sir Francis Burdett felt that the course suggested by the right hon. baronet was the only one now left to him; and would therefore move, "That Lord Viscount Althorp, and Richard Lalor Sheil, having declined to comply with the Call of the House communicated through their Speaker, be committed to the custody of the Sergeant-at-Arms."

The motion carried, *nemine contradicente*.

[After the lapse of a few minutes, Lord Althorp first, and then Mr. Sheil, rose to leave the House, and were immediately taken into custody.]

At a subsequent period of the evening, Mr. Secretary Stanley, on the part of Lord Althorp, and Mr. Hume, on the part of Mr. Sheil, intimated the readiness of the noble lord and the hon. and learned gentleman to make the declaration required by the House.

The question was then put, "That Lord Viscount Althorp, and Richard Lalor Sheil, Esq., be discharged out of the custody of the Sergeant-at-Arms;" and carried *nem. con.*

FEBRUARY 10, 1834.

On the motion of Mr. O'Connell, the following paragraph from the *Examiner*, purporting to be the speech of the hon. member for Hull (Mr. Hill), was put in and read by the clerk:—"It is impossible for those not actually in the House to know all the secret machinery by which votes are obtained. I happen to know this (and I could appeal, if necessary, to a person well known and much respected by yourselves), that an Irish member, who spoke with great violence against every part of that bill, and voted against every clause of it, went to the ministers and said, 'Don't bait one single atom of that bill, or it will be impossible for any man to live in Ireland.' 'What!' said they, 'this from you who speak and vote against the bill?' 'Yes,' he replied, 'that is necessary; because if I don't come into parliament for Ireland I must be out altogether, and that I don't choose.' [Cries of 'Name!' and 'No!'] Consider for a moment! Can I do it? ['No!' 'Yes!'] That is a point for my consideration. I have a great respect for every one here; but if every one in the room was to hold up his hand for it, I would not do it. The secret is not my own. If he had told it to me, I would have said, 'Mark, I'll keep no such secret as this—I'll publish it to the world.' But if I name the member, I put it into the power of the individual who made that declaration to know the gentleman who told me."

Mr. O'Connell then moved that the paragraph be referred to a select committee.

Sir Francis Burdett moved as an amendment, "That the House do proceed to the Order of the Day."

Mr. Sinclair seconded the amendment.

Sir Henry Willoughby and Mr. Stanley having addressed the House,—

SIR ROBERT PEELE said, he would not follow the example of the right hon. gentleman who had just concluded, and enter upon the observations he had to offer, by promising to speak to the question under discussion with coolness, lest, like the right hon. gentleman, he might, of course through inadvertence, expose himself to the charge, not of speaking without the walls of the House differently from what he did within them, but, and in his opinion, to a graver charge, of speaking towards the conclusion of his address in a spirit, if not diametrically, very nearly the opposite of that to which, on setting out, he had pledged himself. No one, he begged to observe, could feel more deeply than he did the extreme difficulty of the situation in which the House found itself placed on the present occasion. He felt deeply that difficulty for many reasons, but for none more than that arising from a fear—a well-grounded fear he had reason to think it was—that they would gain no credit from the public for the time which had been occupied in the present

discussion. He feared that the public, neither having watched, or, if they had, not being capable of comprehending the progressive steps by which the House became involved in their present difficulty, they would be disposed to think their representatives were trifling their time away in such discussions, while questions of the deepest importance were awaiting their consideration. For some time past the public mind had been impatiently directed to the meeting of parliament, for the purpose of ascertaining what measures of relief, what plans of further reform, would be proposed by the government, with a view to the removal of those burthens of which the country complained; and when it appeared that the House of Commons, as well as the government, instead of applying themselves to the important business for the transaction of which parliament had been assembled, were occupied solely in the settlement of matters of a merely personal nature, in no wise interesting either to them or the country; and when, moreover, they discovered that those matters of a merely personal nature procured a much larger attendance, and excited far more interest, than the discussion of matters of the highest public importance, it was but too reasonable to apprehend that great discontent and dissatisfaction would be manifested. If the question at issue upon the present occasion were merely whether an enquiry should be instituted to ascertain if a member of the House of Commons had expressed himself out of the House at variance with his conduct in the House, he would never give his consent to such a proceeding; being firmly convinced many occasions might arise when a member of parliament might so act, without being influenced by motives in the slightest degree discreditable either to his character as a legislator or a gentleman. He could himself cite many cases in which it would be perfectly consistent with honour, if not with a wise determination, for an individual placed in the situation of a legislator not merely to conceal his own private feeling, but, without laying himself open to the charge of hypocrisy, to give his support to measures diametrically at variance with such feelings. What was the basis of all party connexions? Could a party subsist even for a day, if it was necessary, for the purpose of laying claim to the character of an honourable man, each component part of it should express in public the precise sentiments he entertained in private? Supposing a person at a dinner table to express his private opinion of a measure originating with a party with whom he was united in public life, was he, in the event of his giving up that private opinion, out of deference to his party, to be exposed to a charge almost amounting to dishonesty? The idea was absurd. What was the every-day conduct of government itself? Was there any one in that House so ignorant as to suppose that on many questions, Cabinet ministers, yielding to the decision of their colleagues, did not speak and act in their places in parliament in strict conformity with the opinions they had expressed in the Cabinet? If ministers were to be taunted on every occasion that they held opinions in the Cabinet different from what they did in that House, and if parliament were to be made the scene of those taunts, he believed he should not be going too far in saying the House would have time for little else. It was the uniform practice with all governments, and he should be sorry to think the practice carried any stain with it, for a member of the administration who chanced to entertain opinions differing from those of the majority of his colleagues, rather than separate himself from them, to submit to be over-ruled, and even though they did not fully concur in their policy, to give their support to the measures which, as an administration, they promulgated. He would give the House an instance of this fact. It was very generally reported, on a late occasion, that upon the question of sending troops to Portugal, a strong difference of opinion took place in the Cabinet. Now, would it, he asked, be either just or fair to call on those who, in the discussion of the Cabinet, had spoken in favour of sending out troops to aid the cause of Donna Maria, to come down, and in parliament advocate that measure in opposition to the decision of their colleagues. No one would think of doing so. Again, he would suppose the case of a member representing a large constituency, who entertained, upon an important question, an opinion at variance with that of the body whom he represented. Would it not be monstrous to charge that man with acting the part of an hypocrite, if, after explaining to his constituents what were his private opinions, he were to say to them, "Such and such are my opinions; but, as they do not happen to coincide with your's, I shall feel it my duty

to yield them up, and act in conformity with the views you entertain upon the subject?" He would not go the length of saying, that such ought to be the conduct of a representative who found his private opinions at variance with the wishes of his constituents, but he contended, that the charge of dishonest or dishonourable conduct would not lie against a man for so acting. If, therefore, the mere question at issue was, whether a member was liable to have his conduct arraigned for speaking out of the House differently from his conduct in the House, he would not, for the reasons he had stated, give his consent to the enquiry which it was now proposed should take place. Upon abstract grounds, moreover, would he vote against such an enquiry, namely, the establishing of the fatal, the dangerous, precedent of making the House of Commons the medium of enquiry into private communications, into confidential conversations. Regarding the proposition in that point of view, it did, he confessed, strike him with the greatest alarm. While upon this part of the subject, he wished to observe that he most deeply lamented (giving the noble lord, at the same time, every credit for the spirit and manliness he had throughout manifested) the course which the noble lord had taken. That that course was dictated by spirit and manliness, no one could deny; but while the admission was made, it was deeply, deeply to be lamented, that, except spirit and manliness, nothing was to be found in it. In reply to the question of the hon. and learned member for the city of Dublin, it was open to the noble lord to have answered, that no such communication as that alleged to have been made to him had been made; and had the noble lord so answered, as it was perfectly competent for him to have done, the House would not have been placed in that situation of difficulty it now found itself in, and the public time would not be sacrificed as it already had been, and as there was reasonable ground to fear it yet would be, in the adjustment of the matter. The question then for consideration, however, was, seeing all the difficulty of the case, how that difficulty was to be got rid of. For his part, impressed as he was with the inconvenience of the course proposed—fearful though he was, that in granting the desired enquiry the House would be establishing a precedent which hereafter it might be as difficult as it would be desirable to get rid of—he would submit to that inconvenience, and incur the utmost evils of the precedent, rather than be a party to an act of positive, of flagrant, injustice to the hon. and learned member for Tipperary. Dangerous as was the precedent which the proposed enquiry might hereafter establish, that precedent, by which a positive undeniable act of injustice would be done to the hon. and learned gentleman, if he were refused those means of self-exculpation he so earnestly demanded, was equally, if not more dangerous; and the more certainly it was avoided, the more creditable it would be, as well to the dignity as to the manliness of their assembly. If, therefore, the hon. and learned member for Tipperary should persevere in his demand for an enquiry,—if, not content with the belief which his solemn declaration had produced—a declaration to which he gave every credit, and upon hearing which he did, as he was bound to do, believe the hon. and learned member entirely innocent of the charge brought against him, the hon. and learned gentleman claimed to have not only the statement of the noble lord, but that originally made by the hon. and learned member for Hull, fully investigated,—if, unwilling to let the matter drop at its present stage (which, he contended, he was at perfect liberty to do, without in the smallest degree laying himself open to the charge of shrinking from the enquiry he had so earnestly demanded) the hon. and learned gentleman stood up in his place and said, "I consider I still labour under an unjust imputation; give me the means of clearing myself,"—should no other member go out with him, in the event of a division, he (Sir Robert Peel) most certainly would. The hon. and learned member had been placed in an extremely embarrassing situation by the interference of the House; and it would, he thought, be an act of gross injustice not to carry that interference further, and, as far as lay in their power, give him then the means of extricating himself from the difficulty with which he was now surrounded. The charge originally made was made against Irish members generally. It was a most serious one,—involving, in point of fact, an act so discreditable in every sense of the word, that, unless satisfactorily explained, it would be sufficient to condemn the party implicated, not only in the eyes of every man possessed of the feelings of a gentleman, but in the eyes of the constituency whom he represented. That charge had been denied, solemnly

denied, by the hon. and learned gentleman; and, as in itself it bore no internal evidence of truth as applicable to that hon. and learned gentleman, the matter would there have terminated, had it not occurred that,—in a reply to a question put to him touching the truth of an allegation, part of such original charge,—the noble lord, the Chancellor of the Exchequer, very unfortunately for himself and for the House, propounded a charge of a somewhat similar tendency against the hon. and learned gentleman individually, which, he alleged, had been reported by a third party to him. This gave a force to the original charge which, abstractedly, it had not; and the hon. and learned gentleman against whom it was aimed, having, with a view of exculpating himself, claimed an investigation, the House had no alternative but to grant it. They had already once interfered for the purpose of preventing the hon. and learned gentleman from procuring that redress there was too much reason to suppose he meant seeking elsewhere, and having done so they could not, consistently with justice, shrink from the only means left by which that redress could be obtained. For these reasons, it was his intention, in the event of a division, to give his vote in opposition to the amendment of the hon. baronet, the member for Westminster.

Sir Francis Burdett's amendment was negatived by 192 to 54—Majority, 138. The original motion agreed to, and the committee appointed, to which, at the special request of the committee, the name of Mr. O'Connell was subsequently added.

CONDUCT OF BARON SMITH.

FEBRUARY 13, 1834.

Mr. O'Connell, at the conclusion of a most eloquent speech, moved "That a Select Committee be appointed to enquire into the conduct of Mr. Baron Smith, in respect to the discharge of his duties as Judge, and to the introduction of politics in his charge to a grand jury."

Mr. O'Dwyer seconded the motion.

In the long discussion which ensued, and rising after Mr. Secretary Stanley—

SIR ROBERT PEELE said, the right hon. gentleman, in the course of his statement to the House, alluded to some motives arising from community of political feelings which might possibly influence members of the House in forming their judgment in this case. For myself, Sir, I cannot conceive the possibility of political feeling influencing any one on such an occasion. This learned Judge, Mr. Baron Smith, never was a political partisan; there never was a man freer from the charge of being swayed as a Judge by political partialities or feelings; even as a member of parliament he never assumed the character of a partisan. He was the early and temperate advocate of concession to the Roman Catholics; he was a correspondent of Mr. Burke on that subject; and so highly did Mr. Burke think of Baron Smith, of his early ability and judgment, that to him he addressed two of his ablest letters on it. With that learned Judge my personal acquaintance is limited in the extreme; I fully participate with the right hon. gentleman in the very great respect which he professed for him; and during the six years of my experience in Ireland, as Chief Secretary, in the course of which I was necessarily drawn into constant intercourse with the Judges of that country, I do not recollect any who ever showed a greater desire, after his judicial duties in court were terminated, to examine every case with scrupulous accuracy, in order that if a prisoner could urge any ground for doubt as to the propriety of his conviction, or any reason for the mitigation of the punishment awarded to him, the circumstances might be fully weighed, and every advantage, consistent with justice, accorded to him. This learned Baron is now charged with neglect of duty. But I could cite many instances in which he has sacrificed his night's repose that he might the more effectually discharge the duty of a humane and conscientious Judge. There is not an allegation of corruption against him;—I do not believe that there ever breathed a man freer from the taint of corruption, pecuniary or political. There is not an allegation of the slightest partiality,—there is not an allegation, that in the performance of his duties in the administration of the criminal law, or as the distributor of civil justice between

man and man,—any corrupt motive or feeling of political partisanship ever influenced him. Let us see, then, whether there be even a plausible *prima facie* case for enquiry into the conduct of this Judge by a Committee of the House of Commons. I dismiss every other topic that has been introduced into this discussion—I regret that any other has been introduced; for God knows, Sir! the one we have now under consideration is of too great importance, the consequences with which it is pregnant are too alarming to need aggravation by reference to any other point. We are called upon to appoint a select committee for the purpose of enquiring into the conduct of Baron Smith. Sir, I say this; that if—on light and frivolous complaints, nay, on plausible allegations of inadvertency or error,—select committees of the House of Commons are to be appointed for the purpose of examining into the conduct of the Judges, or if those Judges may be dragged before such tribunals, you may fill your statute-books with laws professing to secure their independence, but their independence is a hollow and miserable phantom. Yes, indeed, they may possibly continue independent of the Crown,—independent of the fountain of honour and mercy;—but will they be independent of faction?—will they be independent of a predominant popular party in this House, that assumes the right, under the hollow pretext of enquiry, to humiliate Judges for the expression of opinions adverse to their own, by placing them as culprits at the bar? There are two allegations against Baron Smith on the present occasion. One is, of neglect of duty at the assizes of Armagh. If you admit the force of that charge, on what ground did you not institute an enquiry into it last session? You were cognizant of every fact that has now been brought before you,—you had the returns in your possession,—no new allegation establishing neglect of duty on the part of Baron Smith has been made. But now, eight or nine months after the documents were produced,—after you tacitly admitted the innocence of Baron Smith by abstaining from all public notice of them,—after you have, during the whole of the interval, permitted Baron Smith to remain in the administration of justice; now, will you think it just or decent to revive the neglected and forgotten accusation, and to bolster up its manifest and admitted weakness, by another and perfectly different charge, namely, that the Judge introduced political matter into an address to a grand jury at Dublin? The introduction of political matter, observe! That is the whole of the additional charge. No allegation that the political matter was improper matter, for any other cause than simply that it was political. Why, Sir, can the right hon. gentleman who spoke last vote for a committee of enquiry into such a charge—can he, who says that there are many cases in which it may be the duty of a Judge to introduce political matter into a charge—can he, who vindicates Chief Justice Bushe for the introduction of political matter into a charge—above all, can he, who quoted in this House a charge of Baron Smith full of political matter, when that charge told in favour of his own opinions, and in defence of his own conduct—can he consent to the institution of an enquiry into the conduct of a Judge, on the simple abstract allegation, that that Judge has introduced political topics into a charge? Will the House of Commons imply that the introduction of such matter into a Judge's charge, is, *prima facie*, to be viewed with so much suspicion, that they must forthwith summon the Judge from Ireland, and enquire into his conduct? We, Sir, have no control over this Judge, except by an address to the Crown for his removal;—of us he is quite independent; and ought we to institute an enquiry without a firm conviction that the result of that enquiry, if unfavourable to the Judge, would warrant the extreme measure of an address to the Crown? Take the case of these late trials at Armagh. Is it alleged that injustice has been done to any one? I concur with the right hon. gentleman in lamenting the lateness of the hour at which some of the trials took place; but I repeat, that if on such allegations as this, that on a certain occasion, trials took place at an inconvenient and unseemly hour—on allegations implying no charge of partiality, of corruption, of grievous neglect—implying no moral delinquency of the lightest kind; the Judge is to be brought, as a delinquent before a committee of this House, he ceases to be a free agent: he ceases to be an impartial and independent Judge: he is administering his functions under the rod and menace of a despot. Suppose a case of this kind. The Judge, on going the assizes, finds there has been a mistake as to the duration of a particular assize—

a mistake for which he is no way responsible—that there are double the number of trials that were calculated on, when the period of the particular assize was fixed: he finds an unexpected demand upon his time; he finds also the assizes fixed for the next county for a certain day; and, anxious to perform the duty of opening them at the prescribed period, he hesitates between the hardship of detaining in gaol the prisoners who are ready for trial in the first county, and of postponing these trials for months, and the opposite evil of trying them forthwith at late and inconvenient hours. He adopts the latter—no objection being urged by the counsel for the prisoners—no allegation being made of injustice done to any one. Such may have been the circumstances under which Baron Smith acted—under which, with the best intentions, he preferred the less of two evils, and sacrificed his own comfort and repose, that he might give to accused parties the benefit of an early decision—perhaps an early acquittal. If this were the case, would it not be most unfair to cast a slur and imputation on the character of an aged and respected Judge, by dragging him over from Ireland, to appear before a committee of this House? Say what you will—that this a mere enquiry—that if acquitted, the Judge will not be injured in character; these are the plausibilities by which you are covering an act of injustice; you must feel and know, that the authority of the Judge is extinguished the moment that he is summoned before you as a suspected and accused minister of justice; not only is his individual authority gone, but the blow you aim at him strikes at the independence and authority of the judicial station. For God's sake, if you will establish this fatal precedent, establish it with those forms and solemnities, which, by giving it a more impressive character, may designate it as a proceeding of an unusual and extraordinary kind. Place the accused Judge at the bar—let him stand here in the face of the day—let him confront his accusers—and, above all, let him know what it is with which he is really charged. The right hon. gentleman says, that one advantage of this proceeding will be, that we shall thus convince the people of Ireland that impartial justice is done to them. Yes; but let the justice you deal out be really impartial. Take no step where justice is concerned, for the purpose of conciliating popular opinion in your favour; let us do our duty, regardless of what popular opinion may be, and depend on it, that if we do our duty, all the popular opinion that is worth retaining will, in the end, be on our side. I now come to the charge of this present session, which is brought to aggravate that of the last; to render more weighty that which was not before thought sufficiently heavy to merit the pains of an investigation, but which is now to be enquired into, when the evidence connected with it is probably weaker and more defective—when all the means of information are less easy of access than they would have been last session. The second charge is this—that the learned Judge introduced political matter into his charge to a grand jury, an act which the right hon. gentleman himself admitted that, under certain circumstances, he was not only justifiable in doing, but that it formed part of the duty of a Judge. And yet he objects to its being done in this instance. Are we then, Sir, going to define the terms in which the Judges are to make their charges?—Are we going to prescribe the exact limits within which it may be lawful or decorous for Judges to introduce political matters into their public addresses?—Are we about first to admit that it may be quite right in the Judges to warn “the deluded instruments of agitation?” “Nay,” says the right hon. gentleman, “it may be their duty to trace the evils of agitation to their source, but then they must look carefully at the calendar—they must not presume to lift their eyes beyond the horizon of the county in which they are holding the assize—or, indeed, beyond the bar at which the prisoners are arraigned.” These may be the rules suited for ordinary times—difficult enough to be acted upon, even in such times. But what were the times in which Baron Smith was delivering this charge which furnishes the matter of his accusation? He was speaking at a time when we, his accusers and judges, had passed a bill that suspended and paralyzed the ordinary law in Ireland, and placed the liberties, if not the lives, of the people in that country, at the mercy of military courts-martial. I voted for that bill—I approved of it—I thought it required by a stern and overwhelming necessity. And if I did this, am I, in estimating the imputed delinquency of Baron Smith—am I to forget that he was acting under the very same circumstances—the very same impressions which constitute my own vindication? There is one passage, in particular, of the learned

Baron's charge, to which I must allude. The right hon. gentleman, the secretary for Ireland, founded his acquiescence in this motion on that single passage—at least he referred to no other in detail to support his opinion. I will venture to say, that he has put a totally erroneous, and most unjust construction on that passage. In the view which he takes of it, it represents Baron Smith speaking of the whole Catholic population in Ireland, as a body which had neither property nor rank, education nor intelligence, but which merely included the physical force and numbers of the country. Sir, I am content to rest the whole case on this issue. I ask, was Baron Smith speaking of the whole Roman Catholic body at that time? No; he was referring to the allegation of those whom he considered the agitators—the authors of the whole evil—the allegation, that the universal people of Ireland were enlisted in the conspiracy then existing. What was the substance and obvious purport of his observations on this point? That the unfortunate victims of agitation—that mass whose physical strength was referred to—not by Baron Smith, but by the agitators—referred to by them with triumph and exultation—that that mass, powerful and dangerous as it might be from numbers, and from its proneness to excitement by inflammatory harangues—that that mass did not contain amongst it, either the wealth, or the intelligence, or the respectability of Ireland. Was this untrue? Is it not a vindication, rather than an insult, to the Roman Catholic body? And let me ask, is it probable, that Baron Smith, one of the earliest and most consistent advocates for the Catholic claims—is it likely that he, the offspring of a Roman Catholic parent, would have spoken of the Roman Catholic body in terms so offensive, as those which the right hon. secretary imputes to him? Baron Smith was speaking at a time when all law was suspended—when we ourselves had committed the greatest violation of law; and is it not a mockery to tell him, that it is his duty to warn “the deluded instruments of agitation;” but that he must not allude to those exciting topics of the day which are inseparably connected with that agitation? Look at the state of Ireland when the charge was made; look at the circumstances arising from the agitation; look at the loss of life that had been suffered in that country; look at the effects of passive resistance to tithes—the collection of those tithes suspended, we ourselves finding it necessary to provide, for those who had a legal claim to tithes, compensation from the public purse for the injustice which they were daily suffering. I have here, Sir, the charge of Baron Smith which is complained of; it contains political matter, I admit; but how was it possible to allude to the state of that country; to “warn the deluded instruments of agitation,” (for I like repeating the words,) without referring to politics? Here is one of the addresses to the instruments of agitation on which Baron Smith was commenting; it expressly refers to the success which had attended tithe petitions; it calls on the people of Ireland to be up and stirring, and assures them, that by an organised system of petitioning for a repeal of the Union they will ultimately effect that repeal. Now I ask the House, admitting that there was no criminal case before the learned baron immediately connected with tithes—or with the repeal of the Union—yet if he had seen that we had been under the necessity of placing the liberty of the people of Ireland under the control of courts-martial,—if he had seen that the consequence of tithe petitions, adopted as the means of agitation, had been that tithes had ceased to be paid, excepting only at the risk of blood,—if he feared that the repeal petitions would produce similar effects,—if he learnt from the ministers of the day, that they would, to use their own language, resist repeal to the death—was he, I ask, acting contrary to his duty when he raised his warning voice from the judicial bench, and exposed the objects of those who were labouring, through agitation, to promote the cause of repeal? Why was there no criminal case immediately before him? Because the avowed object of the repealers was to effect their object, not by direct violation of the law, but by the excitement of a spirit of insubordination, which, while it professed a specious submission to the law, should ultimately overbear the law. Baron Smith, therefore, though he had not before him any criminal charged with the express violation of a law connected with treason or insurrectionary violence, did naturally express the same feelings of deep regret and just indignation at the continuance of attempts to excite the people of Ireland, which the king himself had expressed at the meeting of this parliament. And what is the language we ourselves have held? We assured the king—re-echoing his Majesty's own sentiments—“That we fully participate with his Majesty in the feelings of deep

regret and just indignation with which his Majesty has seen the continuance of attempts to excite the people of that country to demand a repeal of the legislative Union: to express our thanks to his Majesty for the repeated assurance of his fixed and unalterable resolution, under the blessing of Divine Providence, to maintain this bond of our national strength and safety inviolate, by all the means in his Majesty's power; and to assure his Majesty that, in the support of this determination, his Majesty may rely with confidence on our zealous and effectual co-operation." And again we say to his Majesty,—and to this passage I beg the attention of the House—"That his Majesty may rely upon our united and vigorous exertions, in conjunction with all the loyal and well-affected, in aid of the government, to put an end to a system of excitement and violence, which, while it continues, is destructive of the peace of society, and if successful, must inevitably prove fatal to the power and safety of the United Kingdom." We here expressly invite all the loyal and well-affected to co-operate with the law and the government in the maintenance of the legislative Union. If, Sir, the first practical step we take is to bring Baron Smith before us, because he has discountenanced a system of excitement and violence—because, as a loyal and well-affected subject, he has anticipated our solemn appeal for his aid and co-operation, what think you will be the inference drawn by the people of Ireland from this direct contradiction between our professions and our acts? From this hour the cause of repeal will prosper—for never will the Irish people believe that they, who abandoned to his enemies the Judge who has used the authority of his name and station to uphold the law and to defeat the machinations of repealers, will not also, in the hour of trial, abandon that cause, for supporting which the Judge has been made a victim.

Several other members then took part in the debate, an amendment by Sir Robert Inglis was negatived, and the original motion carried by 167 to 74; majority 93.

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THE BUDGET.

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The Speaker accordingly left the chair, and it was taken by Mr. Bernal.

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SIR ROBERT PEEL said, that as the noble lord had not gone into any details as to the state of our finances, it was not his intention to touch on any of them. He would, therefore, only refer to the prominent topics of the noble lord's statement. The first point on which he felt bound to say a few words was the great reduction of the expenditure of the country, or, more properly speaking, to that portion of it which admitted of reduction; for the great mass of the expenditure did not admit of reduction, consistently with the observance of national faith; and he must assert, looking to what had been already done, that the reduction in the estimates this year, of half a million below those of the last, was as much as could be expected, and did credit to the government. The noble lord assumed that he would have a sum of £2,600,000 at his disposal. He made this out by,—first, an actual balance of £1,500,000 above the demands of the year; then £500,000 was calculated as the amount of the probable reduction of the estimates of the present year below those of the last; but this could not be calculated upon as permanent revenue; for though circumstances might be such this year as to enable government to make that reduction, different circumstances might arise next year which might render it necessary to increase those estimates even much beyond the amount of last year. The remaining sum of £600,000 the noble lord had calculated would arise from the increased produce of the duty on tea. That calculation appeared to him very vague and indefinite, and he could not see how the sum was to be made out. The noble lord had said, that the difference would arise from the government bringing 9,000,000lbs. of tea

into the market at the quarterly sales of the tea in the company's stores, instead of 8,000,000lbs. But did the noble lord know, that the public would take the 9,000,000lbs. ? If 8,000,000lbs. were found sufficient for the quarterly consumption of the public hitherto, was it so certain that it would take the additional million ? The noble lord thought it would by a reduction of the price; but did it not occur to the noble lord, that if the government gained in the amount of the duty, it would lose by the reduction of the price ? This tea was now the property of the public, as transferred by the East India Company with its other property; and if the government, by its mode of sale, reduced the price below what it would probably have brought in the company's sales, would not the difference in the price be so much loss to the revenue ? And that loss must be deducted from the gain which the noble lord seemed to think the government would make in the duty. This item of £600,000, therefore, he did not think was, by any means, so certain as the noble lord seemed to anticipate. The noble lord thought, that £1,200,000 was as large a sum as could be applied to the reduction of taxation, considering the sum of £800,000 which was to be applied to pay the interest on the loan for the West Indies. He concurred in thinking that £1,200,000 was as much as could be so applied, and more, taking the precarious nature of some of the sources from which the whole surplus of £2,600,000 was to be derived, than he should feel disposed so to apply; but he wished to ask the noble lord, whether there were not some other matters for which provision was to be made, beside the West-India loan ? Were not the clergy of Ireland to be provided for ? He had not heard any thing on that subject in the noble lord's statement. The noble lord said, he could not afford more than the £1,200,000; and, admitting that the noble lord had only that sum to concede in the reduction of taxes, he thought that, consistently with keeping faith towards the national creditor, the noble lord was perfectly right not to make any greater reduction. He would not offer any opinion as to the tax proposed to be reduced, but he must express his regret that some reduction had not been made which would give relief to the agricultural classes. He would admit that those classes would derive some benefit from any improvement in the circumstances of the other classes with which they were so intimately connected; but when he recollected the distress which, in the committee of last year on agriculture, was proved to exist in the agricultural class,—when he considered the great patience with which that distress was borne, and when he found in his Majesty's speech allusions to excitement, and disobedience, and resistance to the law, which prevailed in some places, he could not but lament that the relief was given to the disobedient, and those who resisted the law, while the patient and submissive agriculturists got nothing. He would admit that, as there was only the sum of £1,200,000 to be applied to the reduction of taxation, it would be difficult to show how it could be employed so as to give relief to the agriculturist; but he was bound to say, that if it could be shown that relief could be given out of the £1,200,000, it ought, undoubtedly, to be given. He would not say that relief should be given at the expense of public credit; but if it could be given without injuring public credit, the agriculturists had a strong claim to it. At present, however, all that was done was,—that the towns got £1,200,000, while the agriculturists got only a civil paragraph in the King's Speech. But the noble lord said, that he had other plans for the relief of agriculturists,—there was to be a commutation of tithes, and a revision of the poor-laws. Certainly, with respect to the first, the hon. member for Oldham, however just, had been somewhat severe in his comments. But he could at once convince the hon. member, that the noble lord could have no design whatever to introduce a measure of confiscation. It was impossible, indeed, to refer to the speech delivered by his Majesty a few days ago, and imagine that any such notion was entertained by ministers. His Majesty said: "I recommend to you the early consideration of such a final adjustment of the tithes in that part of the United Kingdom as may extinguish all just causes of complaint, without injury to the rights and property of any class of my subjects, or to any institution in Church and State." These words, the hon. member would recollect, referred to Ireland—a part of the empire in which, from circumstances, it might possibly have been supposed that a system of proceeding somewhat different from that generally applicable would have been tolerated. But they found that, even in Ireland, the rights of property were to be duly maintained. It was not, therefore, possible to conceive that, in England,

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SIR ROBERT PEEL said, that as the noble lord had not gone into any details as to the state of our finances, it was not his intention to touch on any of them. He would, therefore, only refer to the prominent topics of the noble lord's statement. The first point on which he felt bound to say a few words was the great reduction of the expenditure of the country, or, more properly speaking, to that portion of it which admitted of reduction; for the great mass of the expenditure did not admit of reduction, consistently with the observance of national faith; and he must assert, looking to what had been already done, that the reduction in the estimates this year, of half a million below those of the last, was as much as could be expected, and did credit to the government. The noble lord assumed that he would have a sum of £2,600,000 at his disposal. He made this out by,—first, an actual balance of £1,500,000 above the demands of the year; then £500,000 was calculated as the amount of the probable reduction of the estimates of the present year below those of the last; but this could not be calculated upon as permanent revenue; for though circumstances might be such this year as to enable government to make that reduction, different circumstances might arise next year which might render it necessary to increase those estimates even much beyond the amount of last year. The remaining sum of £600,000 the noble lord had calculated would arise from the increased produce of the duty on tea. That calculation appeared to him very vague and indefinite, and he could not see how the sum was to be made out. The noble lord had said, that the difference would arise from the government bringing 9,000,000lbs. of tea

into the market at the quarterly sales of the tea in the company's stores, instead of 8,000,000lbs. But did the noble lord know, that the public would take the 9,000,000lbs. ? If 8,000,000lbs. were found sufficient for the quarterly consumption of the public hitherto, was it so certain that it would take the additional million ? The noble lord thought it would by a reduction of the price; but did it not occur to the noble lord, that if the government gained in the amount of the duty, it would lose by the reduction of the price ? This tea was now the property of the public, as transferred by the East India Company with its other property; and if the government, by its mode of sale, reduced the price below what it would probably have brought in the company's sales, would not the difference in the price be so much loss to the revenue ? And that loss must be deducted from the gain which the noble lord seemed to think the government would make in the duty. This item of £600,000, therefore, he did not think was, by any means, so certain as the noble lord seemed to anticipate. The noble lord thought, that £1,200,000 was as large a sum as could be applied to the reduction of taxation, considering the sum of £800,000 which was to be applied to pay the interest on the loan for the West Indies. He concurred in thinking that £1,200,000 was as much as could be so applied, and more, taking the precarious nature of some of the sources from which the whole surplus of £2,600,000 was to be derived, than he should feel disposed so to apply; but he wished to ask the noble lord, whether there were not some other matters for which provision was to be made, beside the West-India loan ? Were not the clergy of Ireland to be provided for ? He had not heard any thing on that subject in the noble lord's statement. The noble lord said, he could not afford more than the £1,200,000; and, admitting that the noble lord had only that sum to concede in the reduction of taxes, he thought that, consistently with keeping faith towards the national creditor, the noble lord was perfectly right not to make any greater reduction. He would not offer any opinion as to the tax proposed to be reduced, but he must express his regret that some reduction had not been made which would give relief to the agricultural classes. He would admit that those classes would derive some benefit from any improvement in the circumstances of the other classes with which they were so intimately connected; but when he recollected the distress which, in the committee of last year on agriculture, was proved to exist in the agricultural class,—when he considered the great patience with which that distress was borne, and when he found in his Majesty's speech allusions to excitement, and disobedience, and resistance to the law, which prevailed in some places, he could not but lament that the relief was given to the disobedient, and those who resisted the law, while the patient and submissive agriculturists got nothing. He would admit that, as there was only the sum of £1,200,000 to be applied to the reduction of taxation, it would be difficult to show how it could be employed so as to give relief to the agriculturist; but he was bound to say, that if it could be shown that relief could be given out of the £1,200,000, it ought, undoubtedly, to be given. He would not say that relief should be given at the expense of public credit; but if it could be given without injuring public credit, the agriculturists had a strong claim to it. At present, however, all that was done was,—that the towns got £1,200,000, while the agriculturists got only a civil paragraph in the King's Speech. But the noble lord said, that he had other plans for the relief of agriculturists,—there was to be a commutation of tithes, and a revision of the poor-laws. Certainly, with respect to the first, the hon. member for Oldham, however just, had been somewhat severe in his comments. But he could at once convince the hon. member, that the noble lord could have no design whatever to introduce a measure of confiscation. It was impossible, indeed, to refer to the speech delivered by his Majesty a few days ago, and imagine that any such notion was entertained by ministers. His Majesty said: "I recommend to you the early consideration of such a final adjustment of the tithes in that part of the United Kingdom as may extinguish all just causes of complaint, without injury to the rights and property of any class of my subjects, or to any institution in Church and State." These words, the hon. member would recollect, referred to Ireland—a part of the empire in which, from circumstances, it might possibly have been supposed that a system of proceeding somewhat different from that generally applicable would have been tolerated. But they found that, even in Ireland, the rights of property were to be duly maintained. It was not, therefore, possible to conceive that, in England,

a different course would be pursued, and that, when his Majesty's ministers promised to the landed interest relief, they would commence that relief by confiscating a part of the property of the tithe owners. Confiscation, therefore, was out of the question. The total amount of relief the commutation would effect could be easily stated. It would be a relief merely from a burthen small in amount, but vexatious from the form in which it was demanded. He did not mean to undervalue the importance of the commutation; on the contrary, he was an advocate for its principle; but he contended, that it was unfair in the noble lord to take to himself the credit of relieving the agricultural interest by merely introducing that principle. The agricultural interest would, of course, rejoice to be freed from the vexations attendant upon the levying of tithe under the present system, but they would much more rejoice in being freed from some of the heavy pecuniary burthens with which they were saddled. What benefit or relief would the holders of tithe-free land gain by the contemplated measure? None whatever. Nay, so far from benefit, if the principle of commutation was once adopted, their pecuniary burdens would be increased. At best, the plan of the noble lord would give but a partial and trifling relief. Was the noble lord aware that, in many parts of the country, tithes occasioned no discontent? [Hear, hear.] He repeated, that in many parts of the country the people were content to pay tithes. He did not mean to say, that the people would not be glad to be relieved from tithes altogether, supposing such a thing to be possible; but he asserted, that in many parts of the country the people would prefer the present system of tithe collection to that of commutation, because they believed that under the latter they would have as hard, and harder task masters, than at present. He did not, he repeated, mean to say a word against the principle of commutation; but he thought it was not fair of the noble lord to expect the agricultural interests, in their present distressed condition, would be satisfied with so partial and so paltry a relief as the introduction of that principle would effect. He then came to that part of the noble lord's statement which referred to the operation of the poor-laws, and the promise that they should undergo alteration. Did the noble lord for a moment think that that promised revision would relieve the agricultural interests from the distress they were labouring under? But, even if it did, did the noble lord recollect the period of time that must necessarily elapse before that relief could take place? Could the noble lord show, that the agricultural population would derive any benefits from an alteration in the poor-laws' operation, which would not be participated in by the town population? The burthen of the poor-law system was as much felt in the large manufacturing towns as in the country. Would any man deny that, in periods of commercial distress, the burthens were as great in the large towns as in the country? It was impossible to deny that; and, therefore, he contended, that the benefit to be derived from the new system would, in the present condition of the country, be common benefits alike participated in by town and country. He regretted the noble lord had said nothing in the course of his speech respecting a tax to which the agriculturist was peculiarly subject, and which the noble lord had, on the last occasion, in some degree promised should be removed: he meant the tax on horses and servants employed in agricultural labour. He hoped the noble lord meant to keep his promise regarding that tax, which was both generally and justly complained of throughout the country. If the noble lord could not altogether remove the tax on horses and servants employed in agriculture, he ought, at least, to put an end to the surcharges upon the agriculturist for occasionally employing them for other purposes. The right hon. baronet concluded by expressing his hope, that the noble lord would keep his ears open to the various suggestions that would be offered to him, with a view to the relief of the agricultural interests; and that he would not allow the session to terminate without giving effect to the recommendations on that subject, which his Majesty had been graciously pleased to offer in his speech from the throne. His Majesty had then admitted that the agricultural interests were in a distressed condition, and strong hopes that measures of relief and protection would be introduced had been in consequence excited; and it was needless for him to advert to the effects likely to result from their disappointment.

After some discussion, the resolution was agreed to, and the House resumed.

PENSION LIST.

FEBRUARY 18, 1834.

In the debate arising out of Mr. D. W. Harvey's motion, "That a Select Committee be appointed to enquire into the consideration of each pension, in the list ordered to be printed in August last, and to report therefrom to the House,"

SIR ROBERT PEEI said, that his personal feelings would induce him to support the motion, after the charges which had been brought against former governments, implying, that the exposure of their acts would be followed by the severest condemnation. He gave credit to his Majesty's government for their disinterestedness in opposing the motion. He believed that their conduct was influenced by public principle; for the present government could have no personal motive to oppose the enquiry. When he heard former governments charged with acts of the grossest corruption, and with having been influenced by motives of the most improper character, he felt called upon to answer these accusations. He must appeal to those members of former governments who were also members of the present government, whether any such iniquitous proceedings as they had that night heard described, had ever, to their knowledge, been committed? He was satisfied that, if the list of pensions were enquired into, the result of the enquiry would not, in the slightest degree, substantiate such a charge. He positively denied that the result would prove any iniquities or offences. ["Enquire, then."] No, he would not enquire. He would not enquire, because he would not allow—and he had no hesitation in saying so—the dictates of personal or private feeling to overrule the objections which, on public principles, he felt to controlling the prerogative of the Crown in every individual instance, by supervision of that House, or to commit acts of individual injustice towards the parties in receipt of pensions. He would venture to say, that an accurate examination of the pension list would prove, that parliamentary corruption had never been the object in the grant of a single pension. Of course, if he were asked whether he meant to contend that he could vindicate every single pension in the whole list, he could only reply that he had not gone through the list so as to be enabled to speak of every individual case; but he would say, that there were not five exceptions to the rule, that the desire of acquiring parliamentary influence had not been the motive on which the bounty of the Crown had been awarded. To look over this list would convince every man that there had been no such object in view. He believed there were upon the list pensions—and considerable pensions too—granted to persons who had the decencies of high rank to support, but who had not the means of supporting them. If the House choose to establish a new rule for the future, let them establish it; but the grant of these pensions had been made with an implied understanding, on the part of parliament, that such was to be the application of the money during the lives of the parties. Where a person of high family, and distinguished rank, had been without the means of supporting the high dignities of his station, the Crown had felt itself justified in granting a pension to that person, fully relying on the acquiescence of parliament, and convinced, by its universal silence, that that was a legitimate application of the money. They would find in the pension-list many honourable grants to the relatives of persons who had performed great public service, but who had passed their lives in opposition to the government. He would admit, that they might find instances in which there had been, perhaps, a lavish reward of public service. He would not deny that there might be instances in which services had been rewarded more generously than they would be at the present day. Let them adopt a new line for the future, if they thought fit; but it would be an act of injustice—it would be an act of real iniquity—to visit the consequences of a change of opinion in the House upon those who had been in the receipt of these pensions for years, on the implied, or rather on the direct, faith of parliament—that it would be derogatory to the character of this House, to deprive those individuals of their pensions. There had been much—and not very becoming or decorous—levity exhibited with respect to the names of the persons on this list, as if the mere mention of the grant of a pension to a lady were in itself sufficient to prove that no public service had been rendered for it. Why, who did not see, and was it not perfectly obvious, that, although public service might not have been rendered by the individual

lady, the highest public service might have been rendered by her relations; and might they not have implored the government not to reward their services by direct pecuniary grants to themselves, but to reserve their liberality for those who had claims upon their kindness and assistance? Was it well, then, to drag into the discussion, in the absence of the parties, the cases of the ladies whose names had been mentioned, though that afforded not the slightest surmise or suspicion that the grant connected with the name had not been honourably made? The hon. and learned member for Dublin said, that he did not believe that there was a grant made to any one family in Ireland which could be justified. So far as he was personally concerned, there was nothing he should desire more, or, to say the least, there was nothing he should deprecate less, than being called upon to answer for every pension with the grant of which he was connected. He would turn to names of which he knew something, and which would, probably, excite the most attention. He would take a case which had been already mentioned—the names of Elizabeth and Gertrude and Mary Gossett. Why, suppose they were the sisters or the daughters of a public officer who had rendered great services to his country. He would take a case, however, with which he was more immediately acquainted—the case of seven ladies of the name of Hanfield, to each of whom a pension of £88 a year was granted; and what was more, to increase the indignation of the House, he would tell them that these ladies were all sisters! He would give the House their history. When he went to Ireland, he found, in the Commissariat Department, an officer of the name of Colonel Charles Hanfield, of whom he knew nothing previously, whose name he had never heard of until he went to Ireland; but who was an officer distinguished by his extraordinary bravery during the American war. He found Colonel Hanfield holding the situation of Commissary-in-Chief; he had constant intercourse with him; and in all his life he never met with a man, in any public department, actuated by so sincere a desire to promote the strictest well-regulated economy. He must say, that it was a very rare thing to find an officer of this description in any public department. He said to that gentleman, “In what manner can the government reward your services?” Colonel Hanfield replied, that he had seven daughters, for whom he had no means of making any provision; that he begged to waive all claims on his own behalf; but he entreated government to make some provision for those seven daughters, who would be left destitute in the event of his death. Instead of going to parliament and asking for a vote, the government of that day said, “We have, placed at our disposal, a sum of £12,000 a year; let us appropriate part of that sum, amounting barely to £700, to making provision for those ladies;”—and there they were on the list—Catherine, Hannah, Margaret, and so on. He asked the House, whether it were not possible for many females, bearing the same name, to receive a public grant of this description with perfect propriety; and whether the grant itself might not be perfectly honourable? The same might hold good with respect to provision for families in distress. If they would establish a new rule, let them do so; but, until that were the case, it could not be held, that grants of pensions to families in distress involved a misappropriation of the public money. What was the distinct admission, or rather the triumphant declaration, of Mr. Burke’s Reforming Act? Why, it recited that “Whereas it is no disparagement to any person to be relieved by the Crown.” Was it decent, then, towards the public, year after these pensions had been granted—was it decorous—that, after the Crown had acted on their express declaration, that it was no disparagement to be relieved by its bounty—was it decent, to call upon the objects of the munificence of the Crown, whatever might be their age, their infirmity, or their distress, to make out the original case on which their pension was granted? Or could the respect,—he would say it without reserve—for the monarchy be maintained, if they were thus to overlook every act of parliament and every engagement of the kind which might have been entered into when they themselves had committed to the Crown the discretionary power of giving that relief? The House of Commons had never yet maintained that they had a right to control the Crown, every year, in the distribution of this sum. He admitted that, if there were any case of corruption to be shown—if they could prove that there had been any misapplication of this vote for the gratification of mere personal objects on the part of a minister, and, above all, for the purpose of corrupting a parliament—the minister would be bound, in his

responsibility, to enter into explanation, and submit to enquiry; but it had never yet been maintained that parliament had a right, after committing a certain sum to the Crown, to control it in the exercise of its bounty. If such a doctrine had ever been maintained, why had not parliament called every year for an account of the persons to whom that bounty had been extended? He would prove, that this was the opinion of parliament at the time they passed the Act of 1792. It was found, at that period, that the pension-list had swelled to an extravagant amount; and, in the act which was passed for the purpose of reducing it to a certain extent, there was the following express provision:—"That no pension shall be granted of more than £600 in any one year, until the pension-list shall be reduced to £95,000." Observe this distinct provision—"and until the pension-list be reduced to £95,000, the names of those to whom pensions are granted shall be annually laid before parliament within twenty days after the meeting thereof." After the pension-list, however, had been reduced within these limits, the Crown was to be free from the obligation of laying these names before parliament. Could there be a more convincing proof of the intention of the parliament of that day? Could there be a doubt that they intended to give a discretionary power to the Crown, in respect to grants of pensions to be exercised, subject to responsibility in case of abuse; but a discretionary power which it was never intended to control by the specific and constant superintendence of parliament? For these reasons, thinking that there were very few cases, indeed, in which the House of Commons would itself wish, even on account of a lavish grant of the public money, to quarrel with its amount—believing that common justice to individuals required that the House should maintain good faith towards them—and thinking that, after the acts which they had passed, it would imply an unjust disposition on the part of the Crown, and would be derogatory to its honour and dignity, now to review in detail, through the medium of a select committee, every act of the Crown exercised under those enactments of the legislature—he, for one, whatever his private interests might be, would, on public principle, coincide with his Majesty's government in discountenancing and resisting the motion.

The motion was negatived by 190 to 182; majority, 8.

AGRICULTURAL DISTRESS.

FEBRUARY 21, 1834.

On the motion that the Order of the Day be read, "That the House should resolve itself into a Committee of Supply"—

The Marquis of Chandos, after an able review of the distresses existing in the agricultural districts, moved as an amendment that the following resolution be substituted in place thereof:—"That in any reduction of the burthens of the country, which it may be practicable to effect by a remission of taxes, due regard should be had to the necessity of relieving, at the present period, the distressed condition of the agricultural interest, adverted to in his Majesty's speech."

In the debate which followed,—

SIR ROBERT PEEL expressed his concurrence in all the sentiments expressed by the right hon. gentleman (Mr. Stanley) at the conclusion of his speech. Nothing could be more painful than to be compelled to vote on the same side with those who avowed opinions that were in direct opposition to every principle of honour and national faith. He should be ashamed of himself, however, if he let a consideration of that nature deter him from the course which a sense of public duty required him to pursue. He rejoiced to hear the hon. and learned member for Dublin (Mr. O'Connell) avow his political creed, because when they came, in a few days hence, to the consideration of the Repeal of the Union, they would bear in mind under what auspices, and with what views that measure was proposed. "O, all you," exclaimed the right hon. baronet, "who have interest in the funds in Ireland—O, all you Protestants who hold lands in Ireland, learn, by this timely declaration, what your fate will be when you shall have been delivered up to the tender mercies of a popular assembly, re-

turned by the influence and adopting the principles of this man, who makes a jest of national honour, and talks of the *cant* of public faith."

"I thank thee, Jew, for teaching me that word."

The question of the Repeal of the Union had been decided by that preliminary declaration. Who that had anything to lose would not draw the inference, that if such slender pretences could be brought forward to justify the violation of national faith, there could be no security for any property of any description?

While, therefore, he voted on the same side with the hon. and learned gentleman, he could not too strongly express his abhorrence of the principles which he professed. He was not prepared to admit, as a necessary consequence, that an acquiescence in this motion must lead to a violation of the national faith. He, for one, would not consent to grant any relief even to the agricultural interest at the expense of disturbing confidence in public credit. They were placed, however, in these circumstances. The noble lord had stated the other night, in what he must call a very unusual and premature declaration, that the national revenue was in an exceedingly prosperous condition, and that he had a certain sum to apply to the remission of taxation. The noble lord said, that he was rather inclined for a repeal of the house-tax, but he added, "that he would leave the matter open for a certain period, so that each member might present his plan to the House; and if any hon. gentleman should succeed in inducing the House to prefer any other tax for remission, he would not propose to repeal the house-tax." With such an avowal as this, such an advertisement for counter-proposals, it would be perfect treason, on the part of those representing any interest requiring a remission of taxation, not to urge their claims. The noble lord, too, was a perfectly fair arbitrator, for his mind seemed quite free from bias in favour of his own proposal. He said, that he had given a sort of pledge to repeal the house-tax; but he admitted that there were other taxes which he thought it would be much better to repeal. Now, they could relieve the noble lord from the difficulty of his pledge, by proposing the remission of some one of those other taxes which the noble lord himself thought a better tax to repeal. The noble lord was the last person to object to this gentle violence. There never was so clear an invitation to be ravished. The noble lord had consulted his friends, the political economists, and they had convinced him that the house-tax was not the tax which he should repeal; therefore, he would, for six months, give a clear stage and no favour to all those who were anxious to make him change his course. Now, they had this admission from the noble lord,—that the agricultural interest was so intimately connected with the commercial and the manufacturing interests, that the best mode of advancing and improving it would be to extend our commerce and manufactures by opening new markets; by removing those regulations, as well fiscal as political, which interfered with or impeded their extension. These observations were very just. The agricultural classes would be benefited by the extension of our commerce; but, he would ask the noble lord, whether the house-tax was one—the remission of which would remove the pressure from the springs of industry, or tend to give to our manufactures new encouragement in foreign markets? Nobody would say, that the repeal of the house-tax would afford any relief, either direct or indirect, to the agricultural classes. And why not attempt to repeal some tax which should benefit them. There were few taxes less open to just objections than a house-tax levied on fair principles. It partook something of the nature of a property-tax, without its inquisitorial character. The house-tax fell much more on the higher than on the lower classes. If the noble lord had been anxious to afford relief to the agricultural interest, the repeal of the window-tax would, in some measure, effect that; but he doubted whether it would be possible to select any tax, or duties of any kind, to an equivalent amount, the reduction of which would not give more alleviation to the agricultural interest than the reduction of the house-tax would give. It had been stated, in the course of the debate, that considerable relief would be afforded to the agriculturists, by some intended alterations in the poor-laws. He thought that an alteration of the poor-laws was necessary not merely to the agricultural interest, but to all interests. He believed that the independence, the comfort, and the happiness of the lower classes were intimately involved in the sound consideration and amendment of the poor-laws. But, when the evils had

become so manifold and so complicated, many years must elapse before any very perceptible improvement could be effected, or any great relief could be afforded to the agricultural interest. It was a delusion to the agricultural tenancy of England, to say that any measure connected with the poor-laws could afford them immediate benefit. It was not his (Sir R. Peel's) intention to go into the question of the malt-tax, or endeavour to show that the remission of any part of it would afford great relief to the agriculturists. He would, however, express his anxious wish, that the noble lord would appoint a commission to enquire into the bearing of different taxes, general and local, on the various classes of the community, to see whether the present system of taxation did not unduly press on the farming and agricultural classes in particular. He was anxious that such an enquiry should extend to the whole of the local taxation, to the expense of criminal prosecutions, to the maintenance of country bridges and roads, to ascertain whether the pressure was anything like equal on the different classes. He doubted much whether the necessary expense for ensuring the security of life and property, namely, the punishment of crime, did not fall with extreme weight on the land. The towns chiefly contributed the criminals, and the land almost the whole expense of bringing them to justice. Some observations had been made with respect to the surcharges to which persons in large towns were liable in consequence of the operation of the assessed taxes; now, he (Sir R. Peel) would venture to say, that the surcharges on land were not less in amount or less vexatious than those which occurred in towns, and the surcharges on the country districts were not so easily got rid of. In towns, in case of injustice, the neighbours met together, public meetings were called, and memorials were sent to the Treasury; but, in the country districts, the power of remonstrance was much less effectual, from the absence of all combination, and the want of knowledge as to the best mode of resistance. He had that morning received a letter which had been sent to him in consequence of some observations with which he troubled the House the other evening. The person who sent the letter, and of whom he (Sir Robert Peel) knew nothing, had seen in a newspaper some observations of his, and had he not seen them would probably have remained silent under a grievous oppression. The letter was from Oundle in Northamptonshire, the county which the Chancellor of the Exchequer represented. The writer stated, that he held a dairy farm at a rental of £200 a year, and his farm was the only means he had of obtaining a livelihood. He was possessed of a horse, which he used entirely for the purposes of his farm. Last year, he was greatly surprised to find himself charged for this horse by the tax-gatherer as for a riding-horse. The writer of the letter said, that he appealed against this charge, but his appeal was dismissed, because, according to the commissioners, "grazing," was not "farming" within the meaning of the Act. The farmer very naturally asked, whether there was any authority for this decision? Yes, was the reply; and they referred him to *Johnson's Dictionary*. By that work "husbandry" meant "tillage," and "tillage" meant "ploughing." The charge, therefore, was ordered to be confirmed, because the farmer had no ploughed land. He very naturally asked whether, if he ploughed a part of the land, and left the remainder as a grazing farm, he should be still liable to the charge; and the reply was, "Yes, unless the greater portion of the farm is ploughed." How many isolated cases of this kind might occur in the country, and how much hardship might be inflicted without its being known! Whereas, in towns, publicity would instantly be given to the cause of complaint, and publicity would most probably be followed by redress. He hoped that the noble lord would be induced to see whether he could not altogether relieve the agricultural classes from taxes which pressed on them in this vexatious manner. He had not intended to address the House; but he felt anxious to do so in consequence of the observations of the hon. and learned gentleman. He wished, as he voted with the hon. and learned member for Dublin, utterly to disavow any participation in his opinions. The hon. and learned gentleman reminded him of the elephant wounded in battle, which was often more dangerous to its friends than its foes. One remark only he wished to make before he sat down. It had been stated, with a view to show that the agricultural classes were not in such a distressed state as had been represented, that the price of British wool had risen considerably. Now, the high price of wool, instead of being an indication of the prosperity of the agricultural classes, was rather an indication of their distress. He had no doubt that that rise in price had chiefly

been the consequence of the prevalence of wet during the last three years, and the consequent diminution of the flocks. He did not believe that the increase in the price of wool afforded any thing like a remuneration to the farmer for the loss in his flocks. It was observed that at present the price of wool was high, whilst that of corn was low. He feared that the farmer had been obliged, in many instances, in consequence of the pressure of his difficulties, to plough up his grazing land; to realize an immediate gain at the risk of permanent injury, and that, in consequence, corn had become unusually abundant, and wool unusually scarce. No man, he thought, could deny that the agricultural classes laboured under great distress. It had been said that this would be diminished by repealing the corn-laws. He believed that any such measure would only aggravate the distress. He would not consent to a repeal of the corn-laws, because it would make a great and sudden revolution in the relations of the different classes of society, which would be productive of the greatest misery. In conclusion, he would say, that if they had any taxation to remit, it would be right to remit those taxes which bore either directly or indirectly on agriculture, rather than repeal the tax which had been suggested by the noble lord. He thought that the agricultural population had a strong claim to the commiseration of the House, not only, as was admitted, because more distressed than any other class, but also in consequence of the loyalty, the patience, and the submission with which they had long borne the greatest suffering.

The House divided on the amendment—Ayes, 202; Noes, 206; Majority 4.

CONDUCT OF BARON SMITH.

FEBRUARY 21, 1834.

Sir Edward Knatchbull moved, "That the Resolution adopted by the House on the 13th inst., relative to Mr. Baron Smith, be read." The Resolution having been read accordingly, the right hon. baronet then, in a masterly speech, defended the learned gentleman from the imputations alleged against him by Mr. O'Connell; and, after contending that a charge of misconduct against a judge had never been brought forward or sustained upon more lame or insufficient evidence, moved, "That the order for appointing a committee to enquire into the conduct of Mr. Baron Smith, be discharged."

Mr. Robinson seconded the motion.

In the debate which followed,

SIR ROBERT PEEL felt convinced that the House—this being the second night's debate upon the merits of this subject—must be most anxious to bring the discussion to a close. Before he made any other observations, he would promise, and rigidly adhere to the promise, as he never wished to force himself upon the attention of a reluctant audience, if the House would lend him their attention for a very short time, to introduce no irrelevant topic, and to steer clear of all considerations of a merely personal or party nature. He considered that the motion implied a great compliment to the House. It implied a confidence in their integrity and moral courage, thus to give them the opportunity of revising what they had once determined; and, if they felt that determination to be wrong, to reverse it. Numerous appeals had been made to the House to-night; appeals to false pride; appeals to the sense of shame, and to the fear of ridicule. He knew the force of those appeals, and the obstacles they interposed in the way of retracing the path on which they had once entered; but he felt confident, if the House should be convinced, that they were placed in a critical and embarrassing situation—if they had reason to believe that the precedent they were about to establish was pregnant with future danger—that the step which they had taken involved an act of injustice towards an individual, and that individual an aged and venerable judge—he had that confidence in the impartiality, the good sense, the moral courage of the House, that he could not doubt that it would revoke a hasty and ill-considered decision. Two charges had been preferred against the learned judge; and the House had resolved to appoint a select committee to consider those charges. Now, let them weigh dispassionately the force of every argument by which it was attempted to convince them that they ought to adhere to their resolution. The right hon. gentleman, the Secretary for the Colonies, said, that his main reason for having acceded to, and for

now adhering to, the proposition, was, that it was for the interest of Baron Smith that the enquiry should be made. "Here are charges," he said, "preferred against a judge; and why should we not give him an opportunity of disproving them?" Was the House, then, prepared to adopt now—and to act in future upon—that principle? Were they to permit, to invite, as it were, every dissatisfied suitor to bring his charges against a judicial character, and then, because charges were preferred—because, perhaps, they assumed a plausible shape—were they to devote the public time to investigations into their truth, and to diminish the efficiency and value of the services of the judge, under the pretence that it was his interest that the accusation against him should be enquired into? Ought they not to ask themselves this preliminary question? Was the accusation a grave one? Did it affect the impartiality, the integrity, or the moral character of the judge?—if proved, would it justify an appeal to the Crown for his removal?

The first charge in this case against Baron Smith was—neglect of duty: and what was the allegation to sustain it? Why, that this aged judge sat, in the administration of justice, for eighteen hours together—that for four days, on an average, he sat not less than fourteen hours a day. Neglect of duty, indeed! Here was a judge, advanced in years, of health far from robust—entertaining the honest, perhaps the mistaken, impression, that justice and mercy required that the trials of prisoners should not be delayed; he gave up his days and nights—he consumed his strength and impaired his health in the performance of his high functions—and the result was, that he was to be tried for neglect of duty! It might be much better to open a court of justice at ten o'clock than at half-past twelve: but, before the House determined that there was any *prima facie* evidence of neglect on the part of the judge, they must look a little into the habits of society; they must enquire whether the habits of counsel in Ireland correspond with those of barristers in this country; whether it were the custom of counsel to hold their consultations in the evening? Whether they were not, on the contrary, almost uniformly held in the morning? and whether the opening of the courts in Ireland, at a later period than in this country, did not arise from the state of society there, and the habits of life of those whose presence was essential to the administration of justice? It was easy to prefer vague charges of neglect of duty. Suppose such a charge were preferred against his Majesty's ministers; suppose a member were to rise, and after gravely and justly observing that the time of ministers was the property of the people, and that it was not decorous that the petitions of the people should be presented in the absence of ministers, were to assert, and offer to prove, on unquestionable evidence, that the House sat every day for the reception of petitions, from twelve to three in the afternoon, and that ministers were never present? Supposing, after thus having preferred his charge of neglect of duty, he should move for a committee of enquiry,—would the right hon. gentleman, the Secretary for the Colonies, think it would be for the interest of ministers to accede to the motion?—that it would be consistent with the influence of a minister in this House, with the dignity of his station and character, that because a plausible *prima facie* charge of neglect of duty was preferred, he should be forthwith sent before a committee of enquiry to repel the charge, and to account for his absence? If trumpery charges of that kind, involving no moral delinquency, implying no taint of corruption, might be preferred against public functionaries; and if, because they were preferred, the House was bound to appoint committees of enquiry,—that would be a principle fatal to the discharge of all other public business—fatal to the efficiency, and degrading to the character, of all public men, whether ministers or judges. The hon. and learned gentleman had abandoned the official documents which had been laid before the House, and on which alone his original charge was founded, and proposed that he should be allowed to institute a vague and general inquisition into the whole life and practice of this judge, in the hope that he might discover some new ground of charge. He said, that he could establish the fact, that, for many years past, Baron Smith had been in the habit of opening his court at a very late hour. Was it fair of the hon. and learned member, having never made a complaint against this alleged practice, which had prevailed for years—having given no notice to the learned judge that such a complaint was to be preferred—was it fair to prefer it now? They had been told that Baron Smith had tried prisoners at unseasonable hours. Did not the noble lord, the Chancellor

of the Exchequer, know that in many parts of this country—at quarter sessions in particular—criminal trials had been proceeded with, at hours which, without any reason assigned, would, at first sight, appear most unseasonable? In the noble lord's own county, Northamptonshire, was it not the practice, until very recently, to begin the trials of prisoners at a late hour of the evening, and to continue them till midnight? There might have been, there was, probably, sufficient reason for the practice: but supposing a charge were brought against the noble lord, and the other magistrates, on this account, would the House of Commons, there not being the slightest imputation of partiality or of practical injustice, send the noble lord on his trial before a select committee, merely because such a charge had been preferred? Let them consider the course on which they are invited to enter, and the consequences to which it would lead; let them enquire whether, since the period when the independence of the judges was established by law, there were any precedents for enquiry into their conduct; and whether, if there were such precedents, they had redounded to the credit of parliaments. When the House of Lords called Lord Chief-Justice Holt before it, to account for his conduct in the Banbury case, for his having in that case delivered a judgment—by which he set aside the jurisdiction of the House of Lords—the chief-justice did, indeed, appear before the Lords, in compliance with their summons; but what was his answer to the demand that he should account to the Lords for the judgment complained of? “I hold,” said he, “an authority independent of yours. I gave my reasons for the judgment I delivered in that place in which I had sworn to administer justice. By the House of Lords I look to be protected, and not to be arraigned; and I will not assign the reasons on which I founded my judgment.” Did that case differ from the present, in so far as the judicial charge of the judge was concerned? Might not Baron Smith, who delivered his charge in the conviction that he was honestly performing his judicial duty—might he not demur to the jurisdiction of the House, and deny its right to put him on his trial for a judicial act, on the mere ground that the House differed from him as to the prudence or discretion of that act? The charge of neglect of duty stood on different grounds; and if it were a grave charge—if the proofs of injustice arising from that neglect were numerous and strong—he did not deny the competency of the House to enquire into it; but he denied the wisdom—the prudence—the justice—of arraigning a judge, unless upon some charge of personal corruption—of gross and grievous neglect of duty, warranting his removal from the bench. No such neglect was imputed to Baron Smith; and the accusation was frivolous in the extreme. With respect to the other accusation—that founded on the improper matter introduced in the judicial charges of the judge—how was it possible to deal with it? The express complaint was, that certain charges, delivered by the judge, contained political matter. Yet all admitted that, under certain circumstances, it was the right and duty of a judge to introduce political matter into a charge. What, then, were they about to do? Were they to establish a censorship of judges' charges? Were judges' charges to be licensed by them, to have the sanction of their *imprimatur*? Were they about to lay down the precise *formula* to which judges must adhere, to establish the rules by which the discretion, the good taste, of the judges must be regulated? Was it on the topics or on the terms of judicial charges, on which their lectures were to be delivered? And were they to be the parties who were to proscribe political matter in judicial charges; they who printed, at the public expense, the political charge of Baron Smith to the grand jury of the Queen's county, who referred to it in terms of high commendation, who found the reports of the committees curtailed, because they were enabled to embody in them the able charges of the chief-justice and Baron Smith—they who learnt, with satisfaction, that those charges were not, perhaps, directly by the government, but by magistrates acting in concurrence with the government, printed and placarded throughout the country, as useful warnings to the deluded people—with what decency could they institute or countenance an accusation against Baron Smith for having delivered another political charge, not differing in substance or in terms from that which they sanctioned and circulated? The duty of the committee, if unfortunately it were appointed, would be, of all others, the most difficult. It would have to examine every sentence contained in the judge's charge—to attempt to make some discrimination between its different parts—to select those deserving of censure, and those deserving of approbation; and

when the House should be in possession of the report of the committee, in what manner were they to proceed? If the charges were fully proved, would they be a ground sufficient to authorize them to address the Crown for the removal of the judge? If they had not ground to address the Crown for his removal, was it fitting that they should attach a label of partial infamy round the neck of this high officer of justice, and then send him to administer the law to others? Was there, in truth, any alternative between petitioning for his removal, and leaving his conduct exempt from imputation? If there were no charge against him of partiality, corruption, or ignorance of the law or serious neglect of duty—if they felt in their heart and conscience, that he must still continue in the administration of his trust—was it not for the public interest that he should stand erect, not only in the consciousness of innocence, but in the possession of the public esteem and respect? To appoint a committee was evading the law, which required an address from both Houses of Parliament to authorize the removal of a judge; because, if that judge were a man of honour, and if the House implied the slightest censure against him, his own sense of propriety would tell him that he could no longer remain effective as a judge. Again, was it wise, on light ground, to unsheath the powerful weapon of impeachment intrusted to their keeping? Were they not blunting its edge by drawing it on trifling and frivolous occasions? Of whom did he ask these questions? Of those who encouraged Baron Smith to deliver this very charge, by having expressly sanctioned and circulated a former one. Let them read the present charge, and compare it with that printed at the public expense, and with the approbation of the House, and they would not find one expression in the latter that was not as open to censure as the expressions of the charge now complained of. If they disliked quotations, they would find them in plenty; if they disliked irrelevant matter, it was plentiful; if they disliked political matter, the first charge contained nothing else. He had no anxiety in regard to Baron Smith. Let the House take what course it would, he was secure, because he was innocent; and they would but rally round him the esteem and sympathy of all good men. The right hon. gentleman opposite said, that he expected some expression of regret on the part of the judge. Baron Smith had no expression of regret to tender. He had such confidence in the conscious innocence of Baron Smith—such confidence in his high spirit—that he felt assured Baron Smith would never seek to avert this charge—he would never demean himself by any thing in the shape of an apology. He was far advanced in years; the infirmities of age, increased by those very labours now cited against him in proof of his neglect of duty, might have abated the ardent spirit with which he would once have confronted his accusers, and courted the conflict to which he was summoned—

*Lenit albescent animos capillus
Litium et rixæ cupidos protervæ.*

With equal truth, he might exclaim—

*Non ego hoc ferrem callidus juvenis,
Consule Planco!*

And though the fire of youth might be somewhat damped by years and infirmity, yet, when he felt that in his person was to be fought the battle for the independence of the judicial office, he would be inspired with new energies. Conscious that these accusations were frivolous and unjust—conscious that no public inconvenience, no injustice, had arisen from his devotion to his duty, even at unseasonable hours—conscious, too, that he delivered these political charges, partly from the conviction that he was supporting the cause of order, and advancing the purposes of good government—partly because he was sanctioned and encouraged by the approbation of ministers—partly from an honest, a pardonable pride, that the official documents of that House were graced by the adoption and publication of his judicial labours—conscious of his own rectitude, whatever fate might impend over him—he would meet it without submitting to the voluntary humiliation of an apology. If in other times—if in the unreformed parliament—if under a Tory government—if, after Judge Fletcher had delivered his political charge in the county of Wexford—if he, as secretary for Ireland, had brought forward such an accusation as this—if he had proposed to drag the learned judge from the bench before a select committee of that House—what a scene would have been witnessed! Let them tax their imagination so far as

this: Let them fancy that this was the year 1814—that he stood, as secretary for Ireland, in his place as a minister, and that, with Judge Fletcher's charge in his hand, after reading certain passages displeasing to his taste, he had proposed a select committee before which the judge should appear to answer for his errors of judgment, and account for the breach of judicial decorum; then fancy the present Lord Chancellor—fancy Mr. Brougham rising from the place in which he now stood—fancy, if they could, the indignant terms in which Mr. Brougham would have chastised the arrogant and contemptible folly of that minister who should have dared to assail the independence of a judge, by proposing, on such a frivolous charge, to subject him, for a judicial act, to the degrading investigation of a select committee! There was a feeling abroad—a feeling that was every day becoming more prevalent—that those who declaim most loudly about their love of liberty, and speak in the most exaggerated terms of their hatred to oppression, employ those *speciosa nomina* as the mere instruments by which they may secure their own aggrandizement—that such words are but the ladders of young ambition, to be thrown down when the object to which it aspires is reached. Three days only had elapsed, since a proposition was made within those walls—to a willing audience—for the purpose of establishing, as it was called, the liberty of the press. It was proposed that the law of written libel should be placed on the same ground with that of oral scandal—that *ex-officio* informations should be abolished—that truth, in public matters, should no longer constitute a libel. That proposal was accompanied by touching lamentations—that there was now no alternative for a public writer but to flatter his Majesty's government, and all those in authority, inasmuch as censure might wound their feelings, and, according to the rigid construction of the law, might constitute a libel. Apply those principles to judges' charges. Was there to be no liberty of speech for the judge? Was he to have no option but that of flattering the government? Were they, who permitted that bill to be introduced, to permit the judge to be placed on his trial without proof of authorship—without evidence of guilty intention—without the allegation that he had said what was untrue? How could they profess to respect liberty of speech, or liberty of discussion, if they instituted that which was ten times more vexatious and oppressive than any *ex-officio* prosecution, on the mere *ex-parte* statement of an individual, himself a party in the case? Ought they on the mere allegation of an individual member of the House—in the absence of even a petition charging injustice—in the absence of any complaint, either from the accused who were put on their trials, or on the part of counsel? Ought they to summon from Ireland a judge of the land, far advanced in years—interrupting the performance of his judicial duties—in order, not that he might answer a specific charge, but that the learned gentleman (his sole accuser) might bait him before a select committee, and try to find, by a roving inquisition into his whole judicial career, the matter for a formal charge? And would they, after they had done that, profess a desire to establish the liberty of speech, and to protect the rights of free discussion? One argument which the right hon. gentleman, the Secretary for the Colonies, brought to bear against Baron Smith, he could not pass over without notice. He said that Baron Smith might have been at liberty to introduce political matters into his charge under certain circumstances; but that here there was no case in the calendar connected with treason or insurrectionary violence—that this was not a special commission—and that, therefore, he was not warranted in introducing political matters into his charge. This, then, constituted the gravamen of the accusation against Baron Smith. Now, Judge Fletcher went, not on a special commission, but on the usual circuit, to the county of Wexford; and he began his charge, extending over twenty-four pages, in which he discussed every topic connected with the domestic policy of Ireland, in these words—“Gentlemen of the Grand Jury—It is with sincere pleasure I congratulate you upon the appearance of the state of your county—I say appearance—because I have no means whatever of knowing any thing upon the subject, except from the calendar now before me. In that calendar I find very few numbers indeed—two, or three, or four crimes, of general occurrence in the country; one homicide, which appears to have been committed, certainly with circumstances of atrocity; but, as far as I can collect from the examinations, originating in private malice and individual revenge, and not connected with any of those disturbances, of which we have heard so much, in different parts

of the kingdom." Thus, then, it appeared, that Judge Fletcher—not sent on a special commission—seeing no crimes in the calendar connected, in the remotest degree, with political disturbances—delivered that charge to the grand jury, which was full of political matter—which commented with the utmost freedom on the acts of the government and of parliament, and which was praised in this House by the party then in opposition, but now in government, as a model for judicial charges. If, then, it had been the practice and habit of the Judges of Ireland to deliver political charges—if they had felt it their duty to adhere to the advice of Lord Bacon, to warn the people against the consequences of agitation—if the late Chief-Justice Downes—if the present Chief-Justice Bushe—if Judge Day—if Judge Fletcher—had all felt themselves called upon, by a sense of duty, to deliver charges that involved political matter—he implored hon. gentlemen, before they took such a fatal step, to consider—not whether this charge of Baron Smith's met their approbation, but whether there was any pretence to apply to the House of Lords for their concurrence (and it was indispensable) in an address to the Crown for the removal of Baron Smith? Let those who most disapproved of political charges—who most condemned particular passages in the charge of Baron Smith—weigh against this error of judgment (if it be an error), the whole tenor of his judicial career—the high attainments—the integrity—the impartiality, which were all admitted by his accusers. The hon. and learned gentleman—the chief accuser in this case—had himself compared Baron Smith to a diamond of the brightest lustre. But remember, that in diamonds, the purer the water the more visible are the slightest specks and flaws—and that so it was with the little indiscretions of those whose character was the most unsullied. On all these grounds—considering that there was no specific charge against the Judge; that the charge, vague and general as it was, if fully established, could not justify his removal from the bench; that partial censure, however qualified, must lower and degrade him in the public estimation;—that there was no precedent for the proposed proceeding—that the precedent, if now established, would be full of future evil;—on all these grounds, let the House have the manliness and courage to revoke a decision, hastily and inconsiderately formed—let them refuse to persevere, from the suggestions of false pride and false shame, in a manifest error—and to embitter the few remaining days of a venerable judge, by listening to a frivolous, a ridiculous, and unfounded accusation.

The House divided on the original motion, that the Speaker do leave the chair—Ayes, 155; Noes, 161—Majority 6. The resolution, that the order for the Select Committee to enquire respecting the conduct of Mr. Baron Smith be rescinded, was put and agreed to, and the order discharged.

REPEAL OF THE MALT DUTY.

FEB. 27, 1834.

In the debate arising out of Sir William Ingilby's motion, "That this House do resolve itself into a Committee of the whole House, with a view to taking into consideration the propriety of partially or totally repealing the duty on malt,"—

SIR ROBERT PEEL stated, he had come down under the impression that the proposition to be made was for a total repeal of the malt-tax; and he must say, there was considerable inconvenience, a notice having been given that a specific proposal was to be made, in any hon. member coming forward, and in an instant, without any previous intimation of the change, introducing great and essential alterations in the purport and design of the original motion. At the same time, he was not sure that the nature of the proposition had been in the present case substantially altered; because the hon. baronet who introduced it stated his conviction, that little, if any relief, could be derived from a partial repeal of the malt-duty; and his proposal, in fact, was to abolish the whole, promising to supply the deficiency of revenue that might result from its total abolition by substituting certain other taxes, which the hon. baronet had detailed with some facetiousness. He did not apprehend, that the proposal of the hon. baronet for a committee, was with the view of maturely considering the subject, and calmly investigating how the interests of agriculture would be

influenced by a partial, or total repeal of the malt-tax. He feared that, on going into the committee, a specific and sweeping proposition would at once be submitted to it for the repeal of the whole tax, and that the hon. baronet had therefore only altered the forms of his motion. With respect to the total repeal of the malt-duty, he still adhered to the opinion he had stated in the last session. It was impossible to decide on such a proposition without looking at the state of the revenue; although he did not consider it necessary to refer to it in detail, as every gentleman must bear in mind the statement of the noble lord (the Chancellor of the Exchequer) a few nights before. His opinion, taking into consideration the present state of the revenue of the country, was, that the House could not consent to such an extensive reduction of taxation as would be implied in the total repeal of the malt-tax. The noble lord, in his financial statement, had calculated that the entire surplus of revenue during the present year would be £2,600,000, of which £800,000 was to be reserved, in order to defray the interest of the £20,000,000 voted to the West-India proprietors, and for which the national honour was pledged. There remained, therefore, a sum of £1,800,000; and as the noble lord proposed giving relief by the reduction of taxation to the amount of £1,200,000, the entire surplus would be only £600,000, which he for one, taking into consideration the state of the country, the extent of its revenue, and the possibly increased demands which might be made on it—did not think constituted too large a sum to leave as a margin, as it was popularly called, to meet contingencies. He thought, however, that the noble lord had greatly overrated the surplus on which he calculated. There was £1,500,000 estimated to be derived from a difference between the expenditure and revenue of last year; there was £500,000 to be derived from savings in the estimates; and £600,000 calculated as the increase of the duty on tea. He had stated on a former occasion, and subsequent reflection had more firmly convinced him, that the noble lord had no right to calculate on such an increase arising to the revenue from an alteration in the duty on tea. The noble lord seemed perfectly satisfied that he should be able to dispose of 36,000,000 lbs. of tea a year; and it would, of course, be great presumption in him to utter any counter-prediction to that of the noble lord; but he would venture to say, that the noble lord would not realize £600,000 from the change in the system, as the noble lord calculated. The noble lord, in his opinion, had made a great mistake; the great probability was, that he would not be able to realize nearly one-half of what he had stated. The noble lord was not entitled to promote the sale of tea by reducing the upset prices; and if they were continued, 36,000,000 lbs. could never be disposed of; and, in the most favourable state of matters, it was very doubtful, more than doubtful, whether £600,000 would be realized of increased revenue. There was to be a graduated scale of duties, according to the qualities of the tea imported; had the noble lord taken into consideration that it would be necessary on that account materially to increase the number of excise officers, the expense of which would no doubt deduct from the income which would be derived from the new scale of duties? Besides, another deduction should be made on account of the inevitable increase which would take place of smuggling. Upon the whole, he did not think that the result would justify the calculation of the noble lord, and therefore the state of the revenue, and the probable vicissitudes to which it might be subjected, would not warrant the House in repealing the malt-tax; and, in his opinion, the agricultural interest would have a much better chance of obtaining relief by maintaining public credit, than by pressing for such a reduction of the revenue as would endanger it. So far as personal motives could weigh with any man, it must be with him a primary object to protect the agricultural interest; but looking at the present price of the funds, considering the chance there was that an early and legitimate reduction of the public burthens would take place by diminishing the interest on those funds, his fixed and deliberate opinion was, that public credit should not be endangered or lessened by any rash and precipitate attempt to obtain the repeal of the tax in question. He had been astonished to hear no reference made by the noble lord (the Chancellor of the Exchequer) to the state of the four per cents. in his financial statement. The hon. baronet who introduced the motion, had reminded him of an observation he had made, that those who proposed a measure by which any considerable diminution of the revenue would be occasioned, were bound to provide a feasible substitute; and the hon. baronet said, that he, of course, came prepared

with a substitute. He had not the least objection to consider the propriety of adopting the proposition of laying an increased tax on gin; there was nothing very novel in that; he was, in fact, disposed to lay as heavy a duty on that noxious fluid as could possibly be collected from it, consistently with the interests of the fair trader, and the maintenance of the present amount of the public revenue. But if, by laying on an enormous tax on gin, an indirect advantage was given to illicit distillation, it was very difficult to see in what way the revenue would be increased, or the cause of public morality improved, by the change. Certainly, the interests of the industrious classes of society ought to be considered; and if it could be shown that any increase of taxation on a luxury like foreign wine would not diminish its consumption, and increase the public revenue, it would be a very convenient argument in favour of the present motion; but when the hon. baronet had a little more experience in his office of Chancellor of the Exchequer, he would find, that whatever it might be in arithmetic, two and two did not in matters of revenue always make four. The hon. baronet had also talked of imposing a tax on a certain class of mountebanks, and, perhaps, it might be possible to find out a worse tax. Certainly, if it would be an *ad valorem* tax, after listening to the speech of the hon. baronet, he should be strongly inclined to support it. He must say, that if the hon. baronet really meant to support the agricultural interest, he had treated the subject with a degree of ridicule which, considering the importance of it, and the distressed condition of that part of the community, was unwise and unseemly. The hon. member for Wiltshire (Mr. Bennet) had stated, that he would support the motion, because, although he did not approve of the substitutes proposed by the hon. baronet, yet he was prepared to find a substitute for the diminished revenue in a property-tax. If he could concur in that view—if he could bring himself to think it would be desirable or expedient in the present state of the country to impose such a tax—he might have been induced to go along with him on the present occasion; but deprecating, as he did above all things, the re-imposition, in times of peace, of such an inquisitorial tax without the most serious and overwhelming necessity, he could neither adopt the proposal nor act on the motives of the hon. member. The hon. member for Breconshire (Colonel Wood) had urged the House to repeal one-half of the malt-tax, and impose a new duty of 5s. on beer; but what would be the consequence of that? The beer-tax had been repealed now two years; and would there not be great vexation in re-establishing it? Would not the greatest inconvenience result from any fresh interference with it, now that much capital had been invested in the trade, and had adjusted itself to the present scale of taxation. Would not the re-imposition of that tax occasion more inconvenience than advantage? He remembered well, that the strongest outcry was raised against the beer-tax, because it was said that it fell very heavily upon the poor, who were unable to brew themselves, and were compelled to purchase their beer of the brewers; and that the repeal of the malt-tax would only benefit no lemen and gentlemen, who brewed and consumed their own beer, but would be no relief to the poorer classes, whose consumption of beer was much greater than theirs. There was, indeed, no other reason for abolishing the beer-tax than a strong conviction, that it was most unjust towards the labouring classes of society; in fact, that the rich man paid no more than twenty, while the poor man paid, at least, 100 per cent. One of the great reasons for abolishing that tax was, that it operated unjustly towards the industrious and labouring classes of society; but if the proposition of the honourable member was agreed to, it would revive that tax, and substitute for the duty on malt, now in operation, an impost which would have the same effect precisely, as far as agriculture was concerned, although in an altered form. He still adhered to the opinion, that to the extent to which taxes could be removed, consistently with the maintenance of the public credit, the agriculturists had the first claim; and he hoped the noble lord (the Chancellor of the Exchequer) would consider the proposition he had made the other night, to appoint a committee for the purpose of maturely considering what was the real effect of public and local taxation on the agricultural classes. There could be no possible objection to such an enquiry, embracing, as it would, specific facts, in order to see how far, and whether fairly or unfairly, the pressure of taxation fell on the rural population. He very much doubted whether the abolition of the malt-tax would produce the relief to the landed interest which was generally

imagined. The malt-tax produced about £5,000,000. The actual poor-rates from the land much about the same amount. He was speaking strictly of the poor-rate—of that part of the poor-rates which pressed upon the land. And if he were asked this question—whether it would be of greater advantage to the landed interest to get rid of the malt-tax of £5,000,000, or to get rid of the poor-rates; he should not have the slightest hesitation in answering the latter. Suppose they could apply the produce of the malt-tax to the provision of the poor out of the public funds, would there be any hesitation in saying which would prove the most effectual relief to the agriculturists? Certainly, the removal of the poor-rate would be one of infinitely greater, more general, and more just relief to the landed interest, than the mere repeal of the tax upon barley. In uttering these opinions, he did not intend to preclude himself from fully considering whether there might not, with advantage, be a partial remission of the malt-tax to the extent of the surplus which the noble lord could afford to bestow. He said, afford to bestow, because he believed the noble lord had not above £1,200,000 to give away. He was not prepared, at once, to say, that taking off a fourth of the malt-tax would operate as any great relief to agriculture. If only one-fourth were reduced, all the vexation attendant upon the collection of the tax would still continue. He must certainly bear in mind, that we were living in a country where there were great quantities of barley grown; but he much doubted whether, by the remission of the barley-tax to that amount, though he knew the barley-growers were suffering, they would give relief to that class of the agriculturists who were most in want of it. It was established before the committee last year, that the cold wet clay districts, in which barley was not much grown, were the most suffering. In some of those districts the rent used to be 20s., and the charges 50s.; now the rent was 50s. and the charges were 20s. These lands would get no relief from a partial remission of the malt-tax. Considering the manner in which the hon. baronet had brought the question forward, and the deep importance of the interests at stake, he certainly hoped that the whole subject would receive the early attention of that House (and certainly none deserved it more), with a view of establishing some permanent system of relief. Though he could not, at present, concur in the total repeal of the malt-tax, and though he thought the advantages of a partial repeal somewhat doubtful, yet he considered, that whenever the Chancellor of the Exchequer could, consistently with the state of the revenue, and the maintenance of public credit, make any remission of taxation, the agricultural interest had the very first claim to the benefit of that remission.

After a long discussion, the House divided: Ayes, 170; Noes, 271—Majority against the motion, 101.

CHURCH PATRONAGE (SCOTLAND).

FEBRUARY 27, 1834.

Mr. Sinclair, at the conclusion of a brief introductory speech, moved for the appointment of a Select Committee to enquire into the state of the right of patronage of Churches in Scotland.

The Lord-advocate expressed great pleasure in acceding to the motion of the hon. gentleman.

SIR ROBERT PEEL was of opinion that it would be waste of time to enter into arguments on the subject of Church patronage at this time, when a committee was about to be appointed for the purpose of enquiry. Any arguments which he might be prepared to state against the committee when the learned lord had consented to the motion, he was sure would be overruled. The hon. member for Kirkcudbright (Mr. Cutlar Fergusson) said, that the question must be decided by argument, but he (Sir Robert Peel) had not heard a single argument on the subject. The hon. member also said, that there was a universal demand in Scotland for a change in the system of patronage. How was the House to judge of that feeling?—By petitions. There had been only ten petitions on the subject of Church patronage from Scotland presented during the whole of the present session. The feeling was, therefore, not so strong as the advocates of a change would have them to believe. But sup-

posing that many petitions were presented, yet it was plain that the object of them was to deprive one class of men of their rights, in order that they should be transferred to others. These rights had been recognised for upwards of 130 years, and they were as sacred as the rights of advowson in the Established Church of England. No enquiry could now be instituted into the conduct of the parliament which established those rights, because such enquiry would lead to the destruction of the rights by which every species of property was held. If, as had been admitted, the patronage of the Crown was exercised with proper judgment—if there was a disposition to conciliate the prevailing feelings of the people, but, at the same time, to maintain such a control over them as to prevent an improper appointment—he thought such a privilege existed for a most useful purpose, serving as the link between the Church and the Crown which was sanctioned by the law. If that power and authority were exercised for the purposes of political partisanship, he would say such conduct constituted good grounds for investigation; but if it were honestly exercised for the purpose of rewarding young men of merit, who, though they might be unknown to, and unconnected with any parish, might still, if appointed to it, be of great service to the inhabitants, he would maintain that the power of the Crown, so far from being diminished, should, if possible, be extended. But the real object of this committee was to introduce popular elections into the Church of Scotland, and he much doubted if the change would be found of advantage. It would lead to canvassing, and all the other evils of that species of election. If the result of the labours of the committee were to destroy the patronage of the Crown, and place it in the hands of heritors, so far would the change be from doing good, that it would give less security for the choice of proper persons to officiate in the ministry than at present. Nay, more, by such a change the harmony of parishes would be risked, in consequence of the bitter enmities which the opposing interests in a canvass would engender. For these reasons, he could see no prospect of improvement in the state of the Church of Scotland, from any alteration in the present laws.

The motion was agreed to, and a committee appointed.

COMMUTATION OF TITHES (ENGLAND).

MARCH 4, 1834.

Lord Ebrington presented a petition from the inhabitants of Devonshire, praying the House to take into its consideration the subject of tithes, with the view that they might be permanently commuted, on the basis of supposing the tithe-owner the tenth part proprietor of the soil.

SIR ROBERT PEEL hoped, in legislating on this question, the House would act with great caution, as it had hitherto been under the salutary control of public opinion. They should bear in mind, that those who were about to dispose of the Church property, were either lay impropiators, or possessed of large landed property, with a direct personal interest in remitting tithes. If any thing could sink that House in the public estimation, it would be by affording ground for the imputation, that, in disposing of Church property, they had consulted their own personal interest. He hoped the House would listen with caution to any suggestions establishing a distinction between lay tithes and tithes paid to the Church. They might say, if they chose, that this clergyman or the other had too high a stipend, and they might propose to reduce it; but let them beware not to appropriate the money to any but ecclesiastical uses. An hon. gentleman had told them, that tithes were state property, with which they might do as they pleased. But while that right of gift was contended for, let them take care that they did not give this property to themselves. He thus early put in a claim on behalf of the vested interests of the people of England, for whose benefit tithes were intended. They had a deep interest in the appropriation of this property to its original uses, for it was bestowed in trust for them. If the House directed that property to any other purpose—above all, if they turned it to their own advantage—they would be guilty of an act of spoliation which would be fatal to their characters. He would not, at present, enter into the question, whether there should be any other appropriation; but, under the

pretence of giving a portion of them the tenth of the rent, or any other portion, they should be aware that they did not, by making the payment 2*s.* instead of 5*s.* or 6*s.*, as it was reported they now were, commit an act of spoliation towards the great mass of the people of this country, who were not individually proprietors either of tithes or of land, but who were deeply interested in the proper appropriation of Church property. He was anxious that the bill of the noble lord should be speedily brought forward; and he sincerely hoped it would be founded on the principle of strict justice. If it contained a principle of spoliation, he was sure not two years would elapse before the same principle would be acted on towards other property.

In reply to Mr. Harvey—

Sir Robert Peel wished to say one word in explanation, for the purpose of disclaiming a compliment paid him by the hon. gentleman who had just addressed the House. What had been stated by the hon. gentleman, would induce the House to believe, that there was a community of feeling between him (Sir Robert Peel) and the hon. gentleman on the subject of tithes. He certainly agreed with the hon. gentleman that the property of that great corporation, the Church, should be sacred. But he was most hostile to the property of the Church being taken by the state, and applied to the purposes of the state. This doctrine he had been always opposed to, and he would contend against it upon all occasions.

The petition was ordered to lie on the table.

CARRICKFERGUS DISFRANCHISEMENT BILL.

MARCH 5, 1834.

Mr. O'Connell having moved the second reading of this Bill,—

Mr. Halcombe moved as an amendment, "That the House would, on the 19th of March instant, resolve itself into a Committee of the whole House, to take into consideration the report and evidence of the two committees, with respect to the borough of Carrickfergus."

In reply to Sir John Byng, who had taunted the hon. gentleman (Mr. Halcombe), on the position he had taken up as the champion of the corrupt boroughs,—

SIR ROBERT PEELE, being now called upon to exercise functions of a judicial nature, felt himself bound to state to the House why he for one did not think himself competent to discharge that duty satisfactorily. He had no personal interest whatever in the borough of Carrickfergus, and it was a matter of indifference whether it were or were not disfranchised; but before the House divided on the principle of the bill under consideration, which destroyed for ever the right of voting in that large and respectable town of the sister kingdom, he ventured to ask whether it possessed sufficient information to enable it satisfactorily to pronounce a judicial opinion on the question? If the hon. member behind him (Mr. Halcombe) felt a deep impression that the House was not in a condition to act judicially with perfect impartiality—if he felt it incumbent on him to call the attention of the House to this difficulty—he did not think that the hon. member was open to sarcasms, or that he ought to be taunted as the champion of corruption. The hon. member might act as the champion of this borough, and without any other motive than that of seeing impartial justice administered. If general corruption were proved against any borough, he could readily conceive many cases in which there would be no alternative but to make a public example, although this should be done at the expense of many unimpeachable individuals in it. Though private individuals might sustain private wrong; yet a borough might justly be disfranchised if, as a borough, it was disqualified to perform its duty of electing proper representatives for that House. Public consideration, in that case, would outweigh private feelings; but before he came to any such determination, he must take care to know the precise extent of the corruption that prevailed. In neither of the reports—the report of the election committee, nor the report of the select committee—was there any information as to the proportion of corrupt votes.

Mr. O'Connell stated, that the number of householders was 106, and of freemen

885; and the evidence against the freemen was so strong, that they were given up by every one.

Mr. Tennent said, that 240 freemen out of 885 were proved to have been corrupt, but that there was not a tittle of evidence against the remainder. The number of freeholders and householders was 144, and there was no evidence against them.

Sir Robert Peel said, that the House must perceive, from the statements of the two hon. members, how little was known of the facts of the case. The committee had not given a detail of the facts on which the House was now called to act judicially. They were called on to affirm, that "gross and scandalous corruption had prevailed at the late election for the town of Carrickfergus, and that the great proportion of the constituency, composed of freemen of the corporation, were influenced solely by bribery in giving their votes; that similar practices have prevailed at former elections; and that the borough should, therefore, be excluded from hereafter returning a burgess to serve in parliament." Now, that gross and scandalous bribery did prevail, he could, perhaps, with a safe conscience pronounce; but surely the parties who received the bribes, and still more, those who offered them, were the just objects on whom to visit the penalty. They were called on to dispossess the town of its franchise; but, before any opinion could be pronounced in favour of its forfeiture, it was necessary to know the precise state of the facts of the case, the details of the alleged corruption, and the extent to which it had prevailed. The charge of bribery, as it now stood, applied to the constituency generally. But there were two classes of voters in this borough, the freemen and the £10 voters. Hitherto they had no means of ascertaining whether the charge of bribery applied to one only, or to both of these classes; or whether, if both were guilty, one of them was guilty to a greater extent than the other. His wish was to obtain information. He spoke quite disinterestedly on the subject; in fact, he had not seen or been consulted by any party in reference to it; but he could not help saying, that the report of the committee was most unsatisfactory. The country had been agitated for two whole years by discussions on the elective franchise. These discussions were conducted in a manner which implied that the elective franchise was little less than an absolute right; and would they now dispossess persons of it upon a report of this kind, and without any further evidence—without going into such enquiry as would enable the House to decide in a more satisfactory way than it was possible to do at present? The committee should at least have given a digest of the evidence. In place of this, they reported an opinion, that gross bribery took place. Had they even informed the House that a majority of the freemen had been bribed, or a majority of the £10 voters, they would have communicated important information. Instead of this, they had merely reported their opinion, that corruption having generally prevailed, without going into detail, the borough should be disfranchised. What satisfaction could such a report give? They ought to have dwelt on the state of the constituency, which consisted of two classes: with respect to the freemen, for example, they should have stated how many were entitled to vote, and how many, after weighing the evidence, there was every reason to believe, had received bribes at the election. They ought, in short, not merely to have given their opinion, but to have accompanied it at the same time with a statement of facts. He must say, he was not in a condition in which he could, with satisfaction to his own mind, vote for the disfranchisement of the borough upon the report of the committee. Another very important question arose: by the reform bill, a new class of constituency had been called into active existence—the £10 householders. Before the House determined that this town, which appeared to be the 13th or 14th in the ratio of importance in Ireland, should altogether lose its franchise, ought they not to have the opportunity of maturely considering whether it was just to disfranchise the whole of the freemen, and whether it might not be possible in that case to find a good constituency, not open to bribery, from the £10 householders? Sir Frederick Yates was one of the commissioners appointed under the reform bill—a gentleman, he was bound to believe, of intelligence, and, from the situation he filled, sufficiently capable of forming a correct opinion. The opinion given by him before the committee was, that the freemen ought to be disfranchised, but he was favourable to the retaining of the franchise still in the householders. It would be monstrous to deprive the innocent householders of their franchise in consequence of the guilt of the freemen, and that merely in consequence of an opinion

expressed by the committee in a single sentence, and without having the details before them of the evidence upon which that opinion had been formed. The case presented matter of great difficulty; and although it might be right, perhaps, that ministers, as such, should not take any very decided part in the details of such proceedings, he was most anxious that government should throw out some general principle by which such proceedings should be regulated. Hitherto the House, on disfranchising a borough, had reserved to itself the important preliminary of examining the witnesses at its bar; and, not till after due investigation, should they proceed to visit convicted delinquency with forfeiture of the elective franchise. They had passed the Grenville act, because it was found that, when party feeling ran high, its influence was unavoidably felt in the determination of the rights of election. By the right of challenge given by that act, and the examination of evidence on oath, the influence of party feeling had been prevented; but the utility of that would be set aside, if they were to decide upon the report of another committee which pronounced its opinion upon evidence not taken upon oath. He was aware it might interfere materially with the progress of public business in relation to questions of pre-eminent importance, that, on such occasions as the present, the witnesses should be examined at the bar of the House; but some scheme should be devised by which questions of this kind could be settled. He would seriously recommend the House to take into consideration the propriety of establishing some tribunal, to act under the authority of that House, and receive evidence, sanctioned by oath, on such matters; which should be called on to report its opinion in detail, verified by a reference to the facts, which would give some satisfaction to a man desirous fairly to administer justice, and enable him to decide whether a case of corruption were established, rendering it expedient to make a public example, while they guarded as much as possible against committing injustice on individuals.

Late in the evening—

Sir Robert Peel had not defended the conduct of the electors of Carrickfergus, as had been supposed. He had said, that if corruption prevailed in that place to the extent stated, it ought to be punished as a warning to others. He thought, if the House determined to proceed with the bill, that it would be more convenient to enter into the investigation in the morning sittings. The enquiry would probably be got through in three sittings; but if it were thought that would interfere too much with the public business, it would be better to appoint a select committee.

Lord John Russell thought that there was quite sufficient evidence before the House to justify their proceeding with the bill. If, however, the hon. member for Belfast proposed that an enquiry should take place before a select committee, he would not oppose it. If there were sufficient £10 householders in the town to form an upright constituency, there would be no necessity to pass the disfranchising bill. If there was only one bill of the kind before the House, he should agree with the right hon. baronet that evidence should be examined at the bar; but there were several.

Sir Robert Peel, after the explanation of the noble lord, would not vote against the second reading of the bill.

The bill was then read a second time.

BRIBERY AT ELECTIONS.

MARCH 10, 1834.

On the motion of Lord John Russell, the Order of the Day was read for the second reading of the Bribery at Elections Bill.

On the question, that the Bill be read a second time—

SIR ROBERT PEELE said, that the bill proposed by the noble lord was intended as a remedy to enable the House to escape the difficulties by which it had felt itself encumbered the other evening, when the questions relating to the boroughs of Carrickfergus, Stafford, and Liverpool were under consideration. The object of the bill was to enable them to provide a tribunal more satisfactorily constituted than any tribunal at present existing, for the purpose of enquiring into allegations of bribery

and corruption. In the general object of the bill he concurred. It seemed to be extremely desirable that the House should have the means of making an example of those boroughs in which it could be proved that general and systematic bribery had prevailed; and, with the exception of the House itself, there was not at present any satisfactory tribunal before which allegations of bribery and corruption could be properly investigated. Agreeing, therefore, in the general principle of the bill, he begged to call the attention of the House to its enactments. It provided, that in case there should be an election committee appointed, in the course of its enquiry an allegation of general bribery and corruption in the borough should be made, in that case the allegation against the return of the member, and the allegation against the general purity of the borough, should both be enquired into by the same committee. The bill also enabled parties, within three months after bribery and corruption should have prevailed at the election for any place, to send a petition complaining of such offences; and it then provided, that a committee should be appointed to enquire into the allegations of such a petition, in the same manner as election committees are now appointed. In the first place, he very much doubted whether it would not be better to keep distinct, as far as possible, any enquiry into the existence of general bribery and corruption in a borough, from the enquiry into the return of a member of parliament. He did not mean to say, that he would not, as at present, allow an election committee to make a special report, alleging bribery and corruption against the borough generally; but he would appoint a separate and distinct tribunal for the trial of the allegation against the borough, that tribunal being constituted in such a manner as to attract the general confidence of this House, of the other House of parliament, and of the country generally. Unless that were done—unless the decision of the committee carried with it the confidence of that House, and of the House of Lords,—they would not, in point of fact, be relieved from their present difficulty. There would be the report of a committee, as at present, laid on the table; there would be long and tedious discussions upon it; the matter might be carried before the Lords when the session was wellnigh worn away;—the Lords not having implicit confidence in the tribunal which the Commons had appointed, would direct direct an enquiry of their own;—parliament would be prorogued before the enquiry was terminated; and thus session after session would pass away without any decision, and of course without the infliction of any punishment whatever. He wished to aid the noble lord in his object, which he apprehended was, first to have satisfactory evidence as to the existence of general and systematic bribery in any place, and then, with all possible despatch, to make an example of that place. He would therefore suggest to the noble lord, who had paid much attention to the subject, that it would be infinitely better to keep the two enquiries as distinct as possible,—allowing the election committee, as at present, if it have strong evidence of the prevalence of general bribery and corruption, to make a special report,—allowing also parties, even in cases where there was no petition against the return of a particular member, to present a petition alleging general bribery and corruption against the borough; but establishing a distinct and separate committee to try the latter allegation. Then came the question—how should this committee be appointed? In the first place, he thought it should have all the sanctions and authorities with which a committee of this House could be vested. It should have the power of examining witnesses upon oath; and, above all, no member of it should be allowed to pronounce an opinion upon the subject of enquiry who had not heard the whole of the evidence. There should be an obligation upon every member to attend personally during the whole course of the enquiry. At present that was not the case: when an election committee reported that general bribery and corruption prevailed in a borough, the subsequent committee appointed to prosecute the enquiry into the alleged delinquency of the borough, was a more incomplete tribunal than the first, because it did not examine witnesses upon oath, and because it was not compulsory upon every member to attend. The main reason why, in cases of this kind, he should prefer sending the matter to a committee properly constituted, to an enquiry at the bar of the House, was, not only on account of the time and trouble that would be saved, but because it was known, that when the enquiry was gone into in the House, many members who had not heard the whole of the evidence, and some who had not heard a particle of it, frequently pronounced their judgment, or at least gave

their vote—for judgment they could not form. In what way, then, ought they to constitute the committee before which was to be tried the important question—whether a borough should, or should not, continue to send representatives to parliament? He thought that the constitution of such a committee should not be left to chance: such a course might, perhaps, answer tolerably well when only the right of an individual member was concerned,—when the validity, or the invalidity, of an individual return was to be tried. Members then felt themselves bound by obligations of honour—by a sense of justice—which had a much less binding force when the question at issue was, whether a certain borough should or should not retain its franchise—questions of general policy mixed themselves in that case with the discussion. Take, for instance, the case of a borough in which the chief part of the constituency consisted of freemen,—suppose, in the appointment of a committee to enquire into allegations against that borough, the chance should fall upon members who are mainly returned by freemen—it would be found that those members would have a leaning towards the freemen. It was not, therefore, too much to say, that, in many instances, a committee of this description, appointed merely by chance, would not carry with it the confidence of either House of Parliament. Supposing, then, that there were insuperable objections to the constitution of these tribunals by chance, with whom should rest the power of nomination? To vest it in the government might be open to objection, to vest it in the individual member who might complain, would be equally open to objection. But there appeared to be one authority in the House upon whom the power might very properly devolve, and in whose exercise of that power implicit confidence would be placed. He thought it probable that a committee nominated by the Chair would consist of persons who, by their freedom from party prejudice, and from all personal interest in the question at issue, by their ability, and by their general integrity, would be most likely to command the confidence of both Houses of Parliament, and of the country in general. He should, however, propose to reserve to the House the power of controlling the power of nomination by the Chair in cases where it should think proper. He would constitute such committee by act of parliament, requiring the attendance of every member throughout the whole of the investigation, and giving them the power to examine witnesses upon oath; and he was satisfied, that a committee so constituted, under the sanction of the House, would have more confidence reposed in its decisions, than if it were nominated by the party interested, or by the government, or if it were selected by chance. The appointment of almost all other select committees was left to the member who brought the subject forward. The selection by chance applied only to election committees, and, for the reason he had stated, worked well enough upon the whole, in determining the right to a return. But when such important functions were to be intrusted to a committee, as that its report should declare whether a whole borough, or a particular class of the constituents of a borough, should or should not cease to exercise the elective franchise, it appeared to him that, if the judgments of a tribunal were to carry with them the confidence and approbation of the public, it was of the utmost importance that that tribunal should be constituted with the utmost care and discrimination. The noble lord proposed, that the report of the committee should be laid before the House of Lords, and that if the two Houses should unite in an address to the Crown, praying his Majesty to suspend the franchise of the delinquent borough; in that case, the franchise should be suspended. Now, if the House of Lords were to be expected to take the report of the committee of the House of Commons as the warrant for its proceedings, of what immense importance was it that that committee should be constituted in a manner calculated to inspire confidence in its decisions. But he would advise the noble lord to re-consider this part of his plan. The noble lord proposed, that the committee should report as to the prevalence of general bribery and corruption. This was extremely vague; and he would strongly urge upon the noble lord the necessity of requiring from the committee a minute and detailed report of all the facts that had appeared in evidence before it, specifying, as accurately as possible, the extent to which bribery prevailed; then let the House of Commons express their opinion upon the subject, and if they affirmed this report of the committee, let them then send the report of the committee, with the sanction of their approbation in their collective capacity, to the House of Lords. The House of Commons, upon questions

of this kind, should originate its own course of proceeding. Whether by bill or not, he did not pretend to say; though he certainly thought that the House of Lords was as likely to concur in a bill as in an address to the Crown. The noble lord, by his proposed plan of proceeding, required the consent of the three branches of the legislature. Then why not have it by a bill, instead of introducing this novel proceeding of a joint address to the Crown from the two Houses of Parliament. Nothing was gained by the innovation. The noble lord contemplated no other case than that of suspension and extinction of the franchise. But it was quite clear that there might be instances in which a mitigated punishment would be desirable, such as the disfranchisement of a portion of the electors, or the extension of the franchise over some adjoining district or town. This might be provided for by bill. These details, involving so much of local detail and so little of principle, might be arranged by the enactments of a bill; but how could they even be satisfactorily settled through the medium of addresses to the Crown? His purpose, however, in calling the attention of the House to the measure in this stage, was to point out the necessity of having committees appointed to investigate the allegations made against the purity of boroughs, constituted in such a manner, and named by such an authority, as should ensure to those committees the confidence of the legislature and of the country. He must observe, however, before he sat down, that the noble lord admitted of an appeal. He thought appeals were generally taken advantage of by those who had a weak case. In every instance, either as related to election law, criminal law, or any other system or form of jurisprudence, the best plan was to institute, in the first instance, an effective tribunal without an appeal, rather than an inefficient tribunal with an appeal. All the money thrown into the pockets of country attorneys, connected with election matters, was worse than lost. He would advise the noble lord, therefore, in the case of election committees, and in the case of complaints against the general conduct of particular boroughs, to constitute one tribunal as perfect as possible, and not to have two committees, the one with an original jurisdiction, and the other to act as a court of review.

Lord John Russell, Sir Robert Inglis, Lord Althorp, and Mr. Baines, having addressed the House,—

SIR ROBERT PEEL expressed his anxiety, once more, to impress upon the attention of the noble lord the immense importance of having the committees, by whose decisions, not merely the return of particular elections, but the general right of voting was to be affected, selected on some more fixed principle than that of a chance ballot. With regard to the noble lord's apprehensions of placing the Speaker in an invidious position, by calling upon him to nominate the committees, he must say that he thought them altogether unfounded. He put it to the noble lord, whether any man, a member of that House, having a committee to appoint, and meaning to act fairly, ever found a difficulty in selecting a competent and efficient committee? In fact, he could not imagine any circumstances in which the nomination of the Speaker was likely to be questioned. The noble lord had alluded to party feelings as likely to render the power he proposed intrusting to the Speaker unpleasant in its exercise to him; but he put it to the noble lord to say, whether it would not be better to run even that risk, than to leave the individuals who were ranged on each side, the selection of the committee by whom the question respecting which such party feeling was excited, should be decided?

The bill was read a second time.

OATHS OF CATHOLIC MEMBERS.

MARCH 11, 1834.

In the discussion consequent upon Mr. O'Connell's motion for a Select Committee to consider the oaths now required by law to be taken by members of that House,—

SIR ROBERT PEEL said, he concurred with the noble Lord Althorp in the opinion he had expressed, that if it were advisable that this question should be taken into consideration at all, it ought not to be referred to a select committee. It was a matter upon which the House of Commons ought itself to decide. It belonged to the House

and not to a select committee to regulate the qualifications and conditions upon which a member should hold his seat. He did not concur with the noble lord, when he said that this objection was one of form. It was more than a question of mere form; it was a question of principle. The noble lord had justly said, that the House had before it the oaths taken both by Protestant and Catholic members. There was, therefore, no necessity for further enquiry through the medium of a committee, and he for one would not consent to devolve upon a committee the duty of deciding whether those oaths should or should not be taken. He would not allow a committee, by such a decision, to prejudice the future consideration of the question by the House. It was quite clear that, if the subject was to be considered at all, it ought to be by bringing in a bill to alter the oaths, and it was of great importance not to confound the provinces of committees and of the House, because their operations would be impeded, and their usefulness impaired, if they were so confounded. With regard to the proposal for a committee of enquiry, he thought that the argument of the noble lord was quite conclusive against it. But, in addition to that argument, the hon. and learned member for Dublin had also afforded him another. The hon. and learned member had said, that if that committee were to put a certain construction upon the words of the Catholic oath, he should feel himself bound in conscience to vacate his seat. The moment the hon. and learned gentleman allowed that sentence to escape his lips, he felt that the hon. member had furnished the House with an irresistible argument against his own proposition. If a committee were to have power to express an opinion which should compel a member to vacate his seat, the House ought not to consent to the appointment of such a committee. It ought, if his expression of an opinion were unavoidable, to express it on the authority of the whole House to appoint it, especially when the House was at least as competent as any committee which it might appoint to form a decision upon the subject? Independently, however, of these considerations, he regretted exceedingly that this question had been agitated at all. He thought that if it could have been foreseen by the people of England in the year 1829, that within the short space of five years, from the passing of the act which removed from the Roman Catholics every civil disability under which they laboured, an attempt would be made to repeal the oaths which were devised as securities by the framers of that act, and that such an attempt would be made by a Roman Catholic member of so much weight and influence with his fellow-Catholics as the hon. and learned member for Dublin, the difficulties which attended the passing of that act of relief, would have been greatly, perhaps insuperably, increased. He did not mean to contend that there had been any formal compact made with the Catholic body for the maintenance of the existing oaths, but there had been a compact which, although tacit, was well understood both by Catholics and Protestants, and which ought to be morally conclusive. Nothing could be more unwise, after the people of England had been prevailed on to forego their deep-rooted impressions on this subject, and after the House of Lords, which had repeatedly placed on record its objections to any measure of Catholic relief, had been prevailed on to relinquish its opposition to it—after both the people of England and the House of Lords had considered these oaths to be valid securities against the dangers which they apprehended, or, if not valid securities, to be at least the best that could be devised, nothing could be more unwise, nothing more calculated to check all liberal concessions in future, than the proposition of the hon. and learned gentleman to set aside the conditions on which the disabilities had been removed. From the manner in which the hon. and learned gentleman had argued respecting the Roman Catholic oath, a stranger would infer that it was an oath recently devised, required from the Roman Catholics now for the first time,—that it was an oath which, if not grating to their consciences, was certainly revolting to their feelings. But the House surely was aware that this oath was not imposed for the first time on our Roman Catholic fellow-subjects by the relief bill. At the period of introducing the relief bill, no one had been more desirous than himself to exclude from the oath every declaration or disclaimer that could be either grating or insulting to his Catholic countrymen. He had met with considerable difficulty in carrying the oath so cautiously and so guardedly worded through that House; but he had been fortunate enough to overcome that difficulty, and so had been enabled to exclude from that oath every thing which could be construed to imply in point of

civil worth inferiority on the part of the Roman Catholics. Was not the hon. and learned member aware, that under an act passed by the Irish Parliament, in 1793, he was required to abjure on oath many principles and doctrines imputed to the Roman Catholics, and that he could not have been called to the bar without so abjuring them? Let the House compare the oath prescribed by the act of 1793 with that prescribed by the act of 1829, and it would see how much less reason the Roman Catholics had to complain of the latter oath than of the former. It was insulting to the feelings of the hon. and learned member, he said, that he should be called upon to declare, that "he made the declaration and every part of it in the plain and ordinary sense of the words of the oath, without any evasion, equivocation, or mental reservation whatever!" If the Roman Catholic had been then, for the first time, or if he specially had been required to make this declaration, he might perhaps have reason to complain; but, in the oath of abjuration, the Protestant was called upon to make the same declaration, for he was called upon to declare that, "All these things he did plainly and sincerely acknowledge, and swear according to the express words by him spoken, and according to the plain sense and understanding of the same words, without any equivocation, mental evasion, or secret reservation whatsoever." If then, there were any disparagement to the party who took the Catholic oath, there was, at any rate, the same disparagement to the party who took the Protestant oath. The hon. and learned member had then entered into considerable details, into which he did not intend to follow him. The hon. and learned gentleman had told the House, that he did not clearly understand what was meant by the terms, "Protestant religion, and Protestant government, as by law established." Now, again, if those terms had been introduced for the first time into the act of 1829, there might have been some foundation for the remark; but what was the oath which the hon. and learned gentleman had himself taken, in common with every other Irish barrister, in order to exempt himself from the operation of the penal laws? These were the words of the oath, prescribed by the statute of 1793. [The right hon. baronet read the oath, from which it appeared that the Roman Catholics were called upon to swear, that "They would not exercise any privilege which they might derive from their situation to disturb and weaken the Protestant religion, and the Protestant government, as by law established within these realms." Every Roman Catholic now at the bar had taken that oath; and he was very much mistaken if that oath had not been drawn up with the privity and consent of the Roman Catholics themselves. Every word in that oath had been carefully and maturely considered, and Catholic lawyers, and Catholic divines, had both certified that there was nothing in it repugnant to the faith, or revolting to the feelings of the Roman Catholics. As the Roman Catholic Bill was not passed with undue precipitation, as it was under discussion for several weeks, would it not have been more just if the hon. and learned gentleman had stated his objections to this oath before the measure of relief was passed? The language perpetually used, by the most zealous and powerful advocates of emancipation, by Mr. Grattan, by Mr. Canning, and by Lord Castle-reagh, was to this effect:—"Tell us the dangers which you anticipate from Catholic emancipation; tell us the securities which you want against those dangers, and we will obtain satisfaction for you from the Catholic body?" Why, if the grievance was now felt to be so afflicting, was it not stated at the time? But the grievance was not afflicting, and if no Roman Catholic had hitherto refused to accept a seat on account of the difficulties with which this oath incumbered him, was it wise in the Roman Catholic—was it just to the Protestants of the empire—to attempt to disturb a settlement which both parties had agreed to consider as final? He considered the motion to be, in every point of view, most impolitical. He did not wish to introduce any acrimony into this discussion—he was always anxious to avoid any thing like personality; but he could not help recalling to the recollection of the House, that when the hon. and learned gentleman was returned in 1829 for the county of Clare, he appeared at the bar of that House, and said in distinct terms, "Let me take the oath provided in the Catholic Relief Bill." The following were the words used by the hon. and learned member:—"Mr. O'Connell then proceeded to address the House. He said, he thought he could not be accused of affectation, when he stated that he was very ignorant of the forms of that House, and therefore he required the kind indulgence of the House if he should happen to violate them.

He said, he was there to claim his right to sit and vote in the House as the representative of the county of Clare, without taking the oath of supremacy. He was ready to take the oath of allegiance provided by the recent statute, entitled, 'An Act for the relief of his Majesty's Roman Catholic subjects.' He was desirous to have that oath administered to him, and of course must be prepared to verify his qualification in point of property; and whether the House should be of opinion that he ought to be permitted to take the new oath or not, he respectfully required to be allowed to take the qualification oath. If he was allowed to take that oath, be it then at his hazard to sit and vote in the House. If he were allowed only to take that oath, he was content to run the risk of sitting in the House." It was clear, then, from this extract, that the hon. and learned gentleman had not at that time any objections to urge against the oath; for, if he had entertained such objections, he could not have been "ready," and "desirous," to take it. If he did entertain such objections at that time, why had he not stated them? Why had he not brought them under the consideration of parliament, in order to obtain a modification of them? Considering the reasons which had induced that House, and still more the other House of Parliament, to accede to the great measure of relief in 1829, he looked upon it as a most unfortunate circumstance, that difficulties should now be found in the securities which no one dreamt of while the bill was under discussion. With respect to the oath of supremacy taken by Protestants, denying to any foreign prince, prelate, or potentate, ecclesiastical authority within this realm, the hon. and learned gentleman must be well aware that the purport of that oath had been the subject of much controversy. He must also be aware, that there was a period in the history of this country, when Roman Catholics themselves did not object to take that oath. They did not, of course, thereby mean to deny to the Pope a purely spiritual authority over those who were willing to recognise it. All that they disclaimed was, an authority sanctioned by law, a power to enforce any ecclesiastical jurisdiction or claim of superiority, but construed the oath to mean the negation of any power in the Pope to enforce his wishes by legal process. He was unwilling to involve the House in any theological controversy; but he rested his objection to this discussion, partly on the grounds of feeling, and partly on principle. Considering that no practical grievance had arisen from this oath,—recollecting all that passed in 1829, when so many persons were reconciled to Catholic emancipation, under the impression that these oaths gave to the state some degree of security—and fearing that now to break faith with them would have the effect of checking all disposition in future to liberal concession, he must resist the disturbance of a settlement solemnly made only five years back.

A long discussion ensued, and the motion was ultimately withdrawn.

THE DEANERIES OF DOWN AND RAPHOE.

MARCH 11, 1834.

Mr. Goulburn, after briefly adverting to the Commission appointed in 1830, to enquire into the best means of effecting a reduction of the Unions of Parishes, and to the recommendation in the report of the Commissioners to give up to the several incumbents of each parish the amount of its revenue, alluded to the fact of a son of one of the commissioners having been appointed to the vacant deanery of Down. The hon. gentleman then proceeded to state that the said recommendation had not even been thought of upon the appointment of the present Dean, and concluded by moving "That an humble Address be presented to his Majesty, humbly praying his Majesty to give effect to the recommendation of the Commissioners of Ecclesiastical Enquiry, respecting the deaneries of Down and Raphoe, expressed in the Report of July 13, 1831."

SIR ROBERT PEEL said: If I know any thing of the right hon. Secretary for the Colonies—if I have formed a correct estimate of his character, and of the motives and feelings by which his public conduct is influenced—I have no hesitation in saying, that had he been aware of the recommendation of the commissioners respecting the deanery of Down, he would sooner have cut off his right hand than

have signed the appointment of the son of the Lord Chancellor of Ireland to that deanery. I believe it to be impossible, that gentlemen filling high official situations should not occasionally be betrayed into inadvertencies in the filling up of appointments; and the more assiduously they attend to public business, the more likely are they to act inadvertently upon particular occasions in the disposal of their patronage. If gentlemen were to be arraigned for this as a crime, there would be an end of all safety for men in office. Well, then, this appointment to the deanery of Down has been made—that act is irrevocable; but the appointment ought to be revoked, in order to give due authority to the Crown, and confidence to the commission you have appointed for the purpose of effecting many great objects connected with the established Church in Ireland. I will enumerate certain facts, which will convince the House that this appointment ought to be revoked. I have most implicit confidence in what the right hon. Secretary for Ireland has stated. I hope my right hon. friend will not press his motion to a division. If he do, however, I shall certainly feel myself called upon to vote with him. But when I have stated a few facts, I am sure the right hon. secretary will feel, that in order to support the confidence of the commissioners, and indeed of the country, some other step should be taken which would render it imperative upon the Lord-lieutenant of Ireland to dissolve these unions without loss of time. There has long been a general expression of feeling on both sides of the House, that one of the great evils of Ireland is the existence of these unions, devolving upon one individual the duties, or rather the emoluments, of very large districts. Every one, I believe, has felt the necessity of dissolving these unions, and a commission was in consequence appointed to consider in what way they could best be dissolved. The Lord Chancellor of Ireland was one of those commissioners who made this report. Acting on these principles, and always supposing that no dissolution of the unions would be effected so as to interfere with the vested rights of existing incumbents, but supposing generally, if not universally, that the dissolution, if desirable, would be carried into effect at the earliest possible period consistently with the observance of those rights, the commissioners have, in the annexed schedules, recorded their opinion, that out of the 110 unions stated to exist, the dissolution of sixty-one is most practicable and fit. The commissioners, at the same time, most properly protecting the interest of the present incumbents, state, “The bishop of the diocese is of opinion, that, considering the circumstances of the parishes of Down, a dissolution would be practicable, in which the commissioners concur.” Secondly, “The bishop thinks, that convenience would be likely to result from the dissolution, by placing the ministers of the several parishes generally in a situation of greater respectability, without diminishing the incomes and dignities of the see.” They afterwards state, that the period at which it is proposed to effect the alteration, is the next avoidance of the deanery, that being the earliest period at which the dissolution would be practicable. The existing interest expires, a vacancy takes place, the deanery of a certain union of parishes becomes vacant, and the man placed in that union is the son of one of the commissioners. Why, there can be but one opinion on this point, when, after such a direct and explicit recommendation, an immediate relative of one of the commissioners is, on the first avoidance of the living, on the very first vacancy that occurs, to be the individual selected to fill the appointment. The appointment, however, has taken place; it would be very unjust, I dare say, with reference to the respectable individual who fills this office, to recall that appointment, as he has vacated other appointments of equal value; but this I do say, for the sake of supporting the authority of the Crown, by the authority of the commissioners, let the Crown give this individual the first preferment of an equivalent value that may become vacant; let them not injure existing interests, but do let them take the first opportunity of carrying into effect a recommendation, the second name appended to which is the name of Lord Plunket.

Mr. Secretary Stanley having explained, the motion, after a short discussion, was withdrawn.

HERTFORD BOROUGH DISFRANCHISEMENT.

MARCH 11, 1834.

Mr. Bernal moved the Order of the Day for the second reading of this Bill.

Lord Granville Somerset moved, as an amendment, that the Bill be read a second time that day six months.

SIR ROBERT PEEL could not acquiesce in the amendment which had just been moved by his noble friend near him. Two reports had been presented upon this borough to the House by a committee, which he was bound to say had taken a very fair and impartial view of the subject into which it had been appointed to examine. He should therefore testify his respect to that committee, by giving his support to the second reading of this bill. He would take, however, that opportunity of saying, that if treating amounted to bribery, or if proof of treating were to be considered as equivalent to proof of corruption, half the boroughs in the country might—nay, must be—disfranchised. He thought that some attempt ought to be made by law to define what treating was. The practice of giving 5s. refreshment tickets to electors of the lower orders, had prevailed in the borough which he had the honour to represent for more than a century; indeed, he might say, ever since it was made a borough, in the reign of Queen Elizabeth. Yet he believed in all that time, even when party spirit was at the highest, that there had never been a shilling given to any elector corruptly as the price of a vote. There never had been an impression in the country that there was any thing corrupt in giving an elector a 5s. ticket for a supper. It was not thought corrupt for a candidate to invite the respectable electors to meet him, and to give them a dinner which cost £2 or £3 a-head; and that being the case, he thought that there could be no harm in the electors of a lower class arguing thus:—"If you, the candidate, will not admit us into your company in your social moments, give us at least the means of enjoying the festivities of the election." Of course he was speaking of what occurred after the election; still, if the House sanctioned such proceedings, it was impossible not to see that it opened wide the door to every species of corruption. He hoped that, in the bill which was to be introduced upon this subject, due care would be taken to guard against the danger to which the freedom of election was exposed on this score. Looking at the tenor of the evidence collected by the committee, he must say, that he was not prepared to vindicate the conduct of all the electors of the lower class at Hertford. At the same time he must say that no speculative ideas of expediency, no theoretical notions of reform, would induce him to disfranchise the lower class of electors without delinquency being proved against them. He found that the committee entertained the opinion, that the lower class of electors at Hertford had participated in the corruption which they said prevailed there. He had examined the evidence which bore upon that point with great attention, but at present he was inclined to suspend his opinion. Though he supported the second reading of the bill, he must say that he could not assent to the bill as it stood at present. He could not assent to that part of it which proposed an extension of the constituency. He found, that there were in the borough 430 respectable £10 householders. [Mr. Henry L. Bulwer: No, not respectable.] Did the hon. member mean to say that the constituency provided by the reform bill was not respectable, and that the bill proceeded upon a false assumption? Besides these 430 £10 householders, there were 120 freemen, whom the report acquitted of corruption. When he found in a borough, where lax practices prevailed, 300 voters who were admitted to be incorrupt, he must say, that it was hard to visit such a number of electors, who were exempt from blame, with the penalties which ought only to attach to guilt. The borough of Hertford had now a constituency of 550 electors exempt from all blame. Why should they one and all be mulcted of their fair influence in the representation, by calling in the people of Ware and Hoddesdon to share that influence with them. Again, the limits of the borough of Hertford were extended by the reform bill. The first reform bill disfranchised all the inhabitants save the £10 householders. The present reform bill contemplated the same extent of disfranchisement at a period not very remote,

for the scot-and-lot voters and the freemen were only to retain their votes during life. In point of fact, therefore, the reform bill contemplated the borough of Hertford being left with about 400 electors. Why, then, should the House go beyond the reform bill now? He objected also to this bill in its present form, because, in reality, it gave five members to the county of Hertford. The new borough of Hertford, as formed by this bill, would constitute a small county; for ten agricultural parishes were, he saw, to be added to the borough of Hertford. It was often said in that House, that the agricultural interests was already too strong for the interest of the towns; and yet, supposing that to be the case, the House was now going to add to the strength of the agricultural interest by adding two members to it, and by subtracting two from the interest of the towns. The men of Ware had entered Hertford with bludgeons to control an election in which they had no concern, and, so far from punishing them, the House was now going to reward them for it, by investing them with the elective franchise. He conjured hon. members to leave Ware where it was; for he thought that the including parts of counties in towns, for the purpose of reforming the representation of towns, was a practice highly objectionable.

Sir Henry Hardinge, Mr. Roebuck, and Sir James Scarlett having addressed the House; the amendment was negatived; the Bill read a second time, and the issue of the writ ordered to be further suspended till March 20th.

METROPOLITAN POLICE.

MARCH 13, 1834.

Mr. Clay presented a petition from the parish of St. George, in the county of Middlesex, complaining of the institution of the Metropolitan Police, as being at variance with the principles of the British constitution.

In reference to some remarks by Sir Samuel Whalley, that the committee which had been appointed to enquire into the constitution, management, and expenditure of the police had not been fairly formed—neither of the members for Westminster having been appointed on that committee,—

SIR ROBERT PEELE reminded the House, that the committee had been appointed at the suggestion of the hon. member for Middlesex; and, as to its composition, he was sure there could be no objection to placing upon it either of the hon. members, or any other hon. member who expressed a desire to be upon it. But he hoped the House would suspend its judgment, both upon the expense and the administration of the metropolitan police, till the report of the committee was made. It was denounced as an expensive force; but the term "expensive" was relative, and, in order to find out its value in the present case, they must first enquire whether the number of the men employed was greater than was necessary to preserve the peace of the metropolis. They must next ascertain whether their dress was too expensive, or the pay higher than it ought to be; or whether it was made a source of patronage, which he was sure it was not, the object being to secure as efficient persons as possible. If it should be found upon enquiry, that efficient men could be secured for less pay, he was sure there could be no desire on the part of the committee to maintain it at its present amount. At the same time, he must observe, that it was exceedingly desirable that the pay should be such as to preserve them from the necessity of enlisting only scamps into the service. The police ought to be men of respectability, for they were intrusted with the discharge of a very great and most important duty, and were often called upon to exercise considerable discretion. It was essential, he thought, that the government should be responsible for the direction of the police, which it could not be if the parochial authorities were permitted to interfere with it. Indeed, if that took place, all the responsibility would be destroyed; for the commissioners could not be responsible, the government could not be responsible, nor in times of commotion or turbulence would it be possible to make a number of separate and distinct parochial authorities responsible for not acting together with uniformity of purpose and object. Considering, at the same time, that his Majesty's government defrayed a portion, and that not a small one, of this force,

it was not unreasonable for it, on that score, to claim the control which it possessed. He would, however, suggest to the noble lord, to place upon the committee any gentleman who expressed a desire to that effect, of course not allowing those who had peculiar views to obtain an unjust preponderance.

The petition was ordered to lie on the table.

THE TEA DUTIES.

MARCH 17, 1834.

Mr. Hutt presented a petition from certain tea-dealers and others, in London, against the new tea duties.

SIR ROBERT PEELE said, there could scarcely be a subject of greater importance brought under the consideration of the House, than that which had been introduced by the presentation of this petition. The House was discussing what was to be the future duty, and the mode of levying it, on an article of general consumption, which yielded last year a revenue of £3,300,000—a source of revenue which was collected at less expense than any other, and imposed a smaller burthen on the public than any other tax of one-third its amount. They were about to try a most important experiment with respect to the mode in which that duty was in future to be collected. Let the House bear in mind, that by the regulations about to be adopted, tea could be imported into any portion of the kingdom. Let the House also recollect, that this was an article, the amount of revenue derived from which was subject to the greatest possible fluctuations. Previous to the alteration of the tea-duties made by Mr. Pitt, in 1784, a great portion of the teas imported into this country was smuggled. To such an extent did this practice of smuggling prevail, that Mr. Pitt found it necessary to introduce the commutation act, in order to put it down; for at that period 13,000,000 lbs. of tea were consumed in the United Kingdom, and yet but 5,500,000 lbs. of tea were furnished by the East-India Company, the rest being secured by illegitimate means. The duty on tea, at that time, amounted to between £700,000 and £800,000; but in order, if possible, to prevent smuggling, Mr. Pitt diminished the duty to such a degree, as to have only £170,000 revenue collected on the article. Was it wise, then, when they were on the eve of a great experiment in the whole trade to China, to adhere to that change in the tea-duties which was introduced in a Committee of Supply on the 15th of August;—in fact, in the dog-days, when the duties of the legislature had devolved upon a very small number of the members of that House? Who could deny, that the measure which was now proposed by his Majesty's government, was a hazardous experiment? Free-trade might, perhaps, counteract all the disadvantages incidental to the proposed alterations; but it became of peculiar importance, now that the legislature knew the dangers by which the proposed system was beset, and was aware of the complications by which it would be attended—to see that no regulations were adopted which were not perfectly simple, which did not exclude every temptation to fraud, and which did not prevent, as far as possible, the injurious consequences of smuggling. The noble lord said, that the effect of the intended plan would be to lower the rate of duty on the tea used by the poorer classes, and to raise the amount of duty on that consumed by the rich. It was certainly a plausible and a strong argument in favour of levying such a duty, that the amount of the revenue necessary to be raised, was apportioned to the means of the different classes by whom this article was consumed. He greatly doubted, however, that the measure of the noble lord would have that effect. He would take the liberty of stating, for the information of those gentleman not conversant with the tea-trade, the principle upon which the scale of duties fixed by the noble lord was regulated. Hereafter a duty of 1s. 6d. per pound was to be levied on bohea, not as an *ad valorem*, but a fixed duty; 2s. 2d. on congou, and 3s. on the better description of teas. These duties were fixed on the supposition that these teas were respectively consumed by the lower, the middle, and the higher classes of society. If the duties on these teas were paid exactly in the way assumed by the proposers of this measure, there might be some grounds for calling upon the House to accede to these regula-

tions. The truth of this assumption, however, he altogether denied. There was a difference of 8*d.* in the pound made between the lower and the intermediate description of teas, for the purpose, as it was said, of benefiting the poorer portion of the community. From levying the duty in that way, it must be presumed that the poorer classes consumed the worst description of tea. In contradiction to that assertion, he would only ask an hon. member to enquire of those retail dealers who lived in the neighbourhood of the places inhabited by the working classes, what description of teas were generally bought by that portion of the people, and he (Sir Robert Peel) was satisfied he would find that it was not tea of the worst quality which was consumed by that class of the community. It was an incontestable fact, that the quantity of bad teas sold by them bore no proportion to those of a superior quality; and that for every chest of bohea sent from their stores, 100 chests of congou were purchased. Take Ireland for example, as a country in which it was said the greatest poverty prevailed. He would not venture to say what exact proportion the consumption of good and bad tea bore in that country to each other; but this fact he would state, without any difficulty, that the quantity of congou sold in that country far exceeded that of bohea. To show still further the fallacy of this assumption, he would merely state the declaration of the East-India Company themselves, at their last sale, to show that congou tea was consumed by the great mass of society. The quantities of this description of tea sold were—

Bohea.....	1,500,000 lbs.
Congou	5,654,000

It would appear, therefore, from this statement, that the noble lord, instead of bestowing a boon on the poorer classes of the community, would, by his project of a fixed rate of duty, materially increase the price of those teas generally consumed by the population of this country. He would, in confirmation of this view, call the attention of the House to a statement of the teas sold by the East-India Company, consisting of the first class of bohea and common congou, during the last three years. It was as follows:—

In 1831, the finest bohea.....	3,300,000 lbs.
common congou tea	7,700,000
In 1832, the finest bohea.....	3,620,000
common congou	8,183,000
In 1833, the finest bohea.....	3,404,000
common congou	9,116,000

Notwithstanding so large a consumption, he would venture to say, that the difference of price at the sales was not above 1½*d.* in the pound. What was it they were now about to do? It was proposed to make a difference in the duty of 8*d.* per lb. on these two classes of tea. What would be the consequence? A direct encouragement would be given to the consumption of a bad article. What was the course pursued by the East-India Company with regard to bad teas? Why, they destroyed all teas of a very inferior quality, because they were of opinion that, if the article were brought into discredit, and strong prejudices entertained against it on the part of the public, its extensive use would, in a very short time, be seriously endangered. It would become, under the proposed regulations, the decided advantage of China to send an inferior article into this country. Now, with respect to the fine class of bohea, as had been proved by the hon. gentleman, the member for London, in the able speech which he addressed to the House, he (Sir Robert Peel) should be glad to know how it was possible to distinguish it from congou? The plant was the same, and the difference in quality resulted from the nature of the soil on which both kinds were grown. It was proposed that there should be inspectors appointed, not alone in the port of London, where persons of long experience might, perhaps, succeed in discovering the difference between these two leaves, but in every port into which teas could, under the recent change, be imported; so that to the opinion of an inspector, in one of the outports of Scotland, was to be left the decision of fixing the rate of duty, which might often involve a question of the highest importance to the trader. Suppose an inspector, though an honest man, desirous to increase the revenue, and that, for that purpose, he should fix a higher rate of duty than he was

justified in imposing, what protection, in such a case, had the honest dealer against such a decision? If, for instance, a vessel from China were to bring 20,000 chests of tea, each weighing 80 lbs., it might make no less a difference than £50,000, according as the duty were paid upon the tea, as bohea or as congou. This was, perhaps, an extreme case; but it showed the power which they were about to give to the inspectors at the different ports. The noble lord said, that he was anxious to try this plan, which he proposed as an experiment. He (Sir Robert Peel) maintained, however, that they ought not to incur a risk which involved such serious consequences, without well considering the practicability and the policy of carrying the system into execution. The whole system was, in his mind, so complicated, and the danger to the revenue would be so great, that he besought the House not to come to a hasty conclusion on a measure which professed to bestow a benefit on one portion of the people, but was, in reality, fraught with the most pernicious consequences to all classes of the community.

Lord Althorp then moved that the House resolve itself into a Committee of Supply, and the debate was adjourned.

RUSSIAN AND TURKISH TREATIES.

MARCH 17, 1834.

Mr. Shiel, at the conclusion of a most eloquent speech, moved an Address to his Majesty, praying "that he would be graciously pleased to direct that copies of any treaties between Turkey and Russia, since the year 1833, and of any correspondence between the English, Russian, and Turkish governments, respecting those treaties, be laid before the House."

Mr. Henry Lytton Bulwer seconded the motion.

Viscount Palmerston, Colonel Davies, and Colonel Evans having addressed the House,—

SIR ROBERT PEEL said, that the noble lord, the Secretary for Foreign affairs, would have made a speech much more satisfactory to his mind, if the noble lord had said, that, acting on his own responsibility as a minister of the Crown, he had thought it his duty to refuse the papers called for, without assigning any other reason for that refusal, than that in his opinion their production would be injurious to the public service. He wished the noble lord had acted upon the principle of the advice once given by Lord Mansfield to a military governor of one of our West-India Islands, who had to pronounce his judgment on some cases in his character of chancellor of the colony—"Give your decisions," said the noble lord, "but by no means trust yourself with explaining the reasons on which your decision is founded." If the noble lord had taken that advice, and had abstained from giving his reasons for refusing the papers called for by the hon. and learned member, he would have done much better than by making a speech. The noble lord had complimented the hon. and learned gentleman's speech as eloquent, ingenious, and humorous; there was yet another epithet that he might have bestowed upon it, for he might have called it an unanswered speech. Whether it was unanswerable or not he would not pretend to decide, but certainly it was left unanswered. The noble lord said, it was not fair to call upon his Majesty's government to give the House information on these pending negotiations, and produce the last despatch, to see if it were properly answered. But what had been the course taken by the House? Had it pressed for information? He must say, that never had any representative body been left more in the dark than that House on foreign affairs, and never did one show more forbearance. Why, was it not notorious that the knowledge, imperfect as it was, which we had obtained of these important matters, had been gleaned from debates in the French Chamber of Deputies, and from extracts from foreign newspapers? Was this a state in which to leave the representatives of the people of this country on matters in which the country was so deeply interested? He would come to the reasons on which the noble lord had grounded his refusal, and certainly he must say, that though he might not, under some circumstances, feel disposed to withhold his assent from the noble lord's refusal, had he assigned no reason for it beyond the

fact, that he did not think it right to grant them ; yet when he examined the reasons assigned by the noble lord, he could by no means concur with him, that they were such as would justify the course he had taken. The noble lord said, first, that in matters which were still pending, it would not be fair to ministers to call upon them to produce a copy of their last despatches ; but, he would ask, was that a correct view of the case as it stood ? Were they to wait for the required information till the whole affair should be finally settled ? But if that were to be so, how long might they not have to wait before they could form their opinion as to what was going forward ? The second objection of the noble lord was, that such information could not be called for by the House without casting blame on ministers. This he must beg leave to deny. The government called on the House to vote the estimates for our military and maritime force ; those estimates had been already in great part voted, and surely it was not unreasonable to say, that the House might ask for some explanation as to our relations with other states, and the relations existing between some of those states, as they might affect us, without meaning thereby to cast any blame on the government. Could any intention to cast such blame be fairly implied from the very natural desire of that House to know how this country was situated with respect to the chance of that to us most important subject, a foreign European war ? The noble lord maintained, that no papers ought to be given, because negotiations were still in progress. But the noble lord, surely, could not support that principle. Were the affairs of Holland and Belgium yet settled ? And if they were not, what became of the rule, that no papers should be produced till the negotiations were at an end ? [Viscount Palmerston : A treaty had been concluded in that case]. Yes, but had that treaty led to the final settlement of the question between those two states ? And would the noble lord say, or had he said, that the House should have no papers on that subject until the whole matter should be finally arranged ? Were the affairs of Portugal yet settled, or had there been any treaty assigned in that case ? And yet the noble lord had not felt it his duty to withhold ample explanations, verbal and documentary. Did that, however, imply any degree of blame on the government ? No, it only showed, that when affairs affecting our relations with other states were trembling in the balance, the representatives of the people should know the exact situation in which the country stood. The noble lord's third argument was one which, in his opinion, went far to destroy the validity of the two preceding. It was, that explanations had been already made to the government, which had abated the fears entertained as to the objects of Russia. Why, if that were the case, should the knowledge of such gratifying information be withheld from that House ? For, see the situation in which that House was placed. It was in possession, no matter how, of the knowledge, that a certain treaty, injurious to England, had been formed between Russia and the Porte ; upon that treaty the hon. and learned member had ventured to put a certain construction ; and then, said the noble lord, " Oh, you are mistaken ; the treaty, as appears by an explanation which the government had had with Russia, is not of the character you assign to it." But what was the character of the treaty the noble lord did not explain. Surely, if any thing could tend to increase the probabilities of peace, a point so heartily to be desired, it would be a knowledge of that explanation which had so happily removed the anxiety and apprehension of his Majesty's government. As the matter stood, the House had merely a knowledge of the measure which had excited the dissatisfaction and alarms of the noble lord, and it was left to guess at the character of the satisfactory and soothing explanation. Surely, if the explanations were so satisfactory as to induce the noble lord to dismiss from his mind all fear and apprehension as to the ultimate intentions of Russia, he must see that it was his duty, as well in point of policy as in point of form, to produce them. But then the noble lord had a fourth reason against granting the information moved for. The noble lord said, they were to attend to the acts of foreign powers, and not to their treaties. That was a novel doctrine. [Viscount Palmerston had not said, their treaties, but their language.] Well, their language. Now, that might be a very good reason why the angry correspondence should be withheld ; but surely it was none why all knowledge of the peace-making explanation should be refused. If the House knew nothing of the treaty which had excited the anxiety and apprehension of his Majesty's government, and an explanation had occurred with Russia which had allayed

that anxiety and apprehension, he would readily admit that the treaty, the offensive document, ought not to be forthcoming. He would say, "Do not rake up the dying embers of a disagreement which, however much it did threaten, now no longer exists." But the present case was certainly the reverse. The House knew of the exciting cause; and it was to be left to rankle, although an explanation had occurred which ought to render it innoxious. "But then," said the noble lord, "I think it very likely that the treaty of July may never come into operation." Why, the same might be said of almost any offensive and defensive treaty. The noble lord said, that a *casus fœderis* might arise, and certainly one might never arise; but if one did arise—if by any circumstances England should be at war with Russia—would not the Dardanelles, under this treaty, be closed against England? The treaty was not made to operate in peace, but in case of war; and if war should arise, why then the noble lord would, doubtless, come forward in that House, and state that the Dardanelles were closed, and that he (the noble lord) had proved a false prophet. Such were the reasons which the noble lord had given for refusing the information moved for by the hon. and learned member. How far they were satisfactory it would be for the House to judge; but certainly to him they bore a different character from that intended by the noble lord. At the same time, though the reasons were so futile, as the noble lord, on his responsibility as a minister, had stated to the House, that the information desired could not be granted without prejudice to the public service, he would concede to the minister that which he could not give up to the orator. He might think the noble lord a very inconclusive reasoner, but he would show that respect to his dictum as minister which he must withhold from his logic. What were the merits of the question before the House? What had been the real conduct of Russia with respect to interference for the preservation of Turkey? Upon that point the character of all subsequent proceedings depended. The noble lord had declared that he, as a minister of the crown, rejoiced that Russia had replied as that power had done to the application of the Porte for assistance. The first declaration being made, it was useless for the noble lord to complain of the consequences of Russian interposition. If the position of Europe were such, that, in order to protect the independence and integrity of the Turkish empire, no other assistance could be given but that which Russia could afford, and if the noble lord rejoiced that Russia was able to afford it, he might lament the virtual destruction of Turkish independence, but he had no right to accuse Russia as the cause of it. For they might depend upon it, from the relative position in which Russia and Turkey stood towards each other,—after the recent war between those two powers—after the condition to which Turkey was reduced by that war—after the long jealousy that had prevailed between the two countries—that the occupation of Constantinople by Russian troops, even for a friendly object, sealed the fate of Turkey as an independent power. Russia might withdraw her troops, as she had withdrawn them, in punctual fulfilment of her promises; our government might have perfect confidence in all the declarations of Russia; yet the fact of her having occupied Constantinople, even for the purpose of saving it, was as decisive a blow to Turkish independence as if the flag of Russia now waved on the seraglio. But, said the noble lord, the government could not take any step for the preservation of Turkey; it did not receive any formal application from the Porte for assistance until August or September; and a great battle was won by Ibrahim Pacha in July. What! were, then, his Majesty's government so ignorant of what was passing in the Levant, that they must wait for a formal application from the Porte, before tendering her either advice or assistance? When the noble lord saw an ally of England falling into such great difficulties, and the maintenance of the independence of that ally was of such vast importance, was it necessary for the noble lord to have a certificate delivered in due form by an ambassador, before he could go to her assistance? No, no, that was not the reason. The noble lord had given the true reason why no step was taken for the defence of Turkey. All the disposable fleet, the noble lord said, was occupied: but how occupied? In blockading the Tagus and the Scheldt. That was why assistance could not be given to Turkey, and that was what had made the noble lord rejoice at the succour afforded to the Porte by Russia. The fleets of England were enforcing the blockade of our allies the Dutch, and maintaining neutrality—they of course practised non-interference—with our allies, the Portuguese, in the Tagus; and, therefore, the noble lord was

thankful to Russia for rescuing Turkey. That being the case, all the rest of the conduct of Russia was natural, and indeed almost necessary. The indemnity taken by Russia was moderate, and, in accordance with reason, and not to be complained of with justice by the noble lord. To crown the whole, when the crises of the fate of the independence of Turkey had arrived, there was no British ambassador at Constantinople. True, there was one charged by his Majesty to fill that office, and to protect the interests of England with the Porte; but winds were unfavourable, and bound him to the port of Naples. Although there was a British man-of-war in waiting, yet such had been the difficulties or the dangers to overcome, that the ambassador of his Majesty was six months in making his way to Constantinople. Such was the frightful danger of those terrific seas, and of that inhospitable climate, that though the very crisis of the fate of Turkey had arrived, still a British ambassador, with a British man-of-war waiting his command, could not dare the dangers of the deep. In other times, indeed, far different scenes had been recorded—

“*Otium Divos rogat in patenti
Prensus Ægæo, simul atra nubes
Condidit Lunam, neque certa fulgent
Sidera nautia.*”

In the present case, however, the British ambassador appeared to have prayed for the *otium* before he encountered the danger. It might have been expected, that, since the days of Horace, the art of navigation had so far advanced, that it would have been possible for a British ambassador, on board a British man-of-war, in the extreme crisis, in the agony, of a friendly empire to which that ambassador was deputed, to have braved the risk, and made the extraordinary attempt to reach Constantinople, even in the winter. But, after all, the noble lord had a triumphant answer to all objections. “There exists,” says the noble lord, “the closest alliance between England and France.” He could but remark, that whenever the noble lord was thrown into any difficulty as to any part of our foreign European policy, he at once found a ready means of escape, by congratulating the House upon the close alliance which existed between this country and France. Doubtless, a friendly alliance with France was extremely desirable; but why was it always, upon all occasions, to be adverted to as a compensation for the loss of all other alliances? He was not aware that the noble lord would have thought it necessary to introduce any reference to the declarations of the French ministers in the Chamber of Deputies, when discussing the treaties between Russia and the Porte. He should have thought that the noble lord would rather have discountenanced any allusion to foreign debates, and more especially to those marvellous contradictions of the Duc de Broglie, which astounded all Europe. But as he did not think the practice of either attacking or vindicating the ministers of another country for speeches delivered by them, was a practice to be encouraged, he should abstain from all further allusion to the matter. There might, however, be a peculiar reason in this case for the allusion of the noble lord to our intimate alliance with France. It was probably because that alliance was so intimate, that French example and French policy have controlled our proceedings with respect to Turkish independence. That might be, and most probably was, the real explanation of the course which the British government had taken. How could France, with justice or honour, hold a high tone towards Russia with respect to the interference of Russia with Turkey? Was it not—he would not say a notorious fact—but was it not the universal impression in all Europe—that Ibrahim Pacha was acting against the Sultan on a secret understanding with France? Was it not the impression of all Europe, that the army of Ibrahim was, in all the principal departments, officered and directed by French officers acting with the consent of France? Was that true, or was it not? He did not mean to say, that there was a formal and recognised alliance between Ibrahim and France, but that France was sanctioning and encouraging the acts of Ibrahim, by means as efficacious as if such an alliance had existed. If that were so, and if England felt herself so bound by her intimate alliance with France, that her hands were tied up—that she was compelled to connive, at least, at an aggression upon Turkey, which France had directly encouraged—then we see in these circumstances reasons for the forbearance of England better—or at least more intelligible—than any that the noble lord had stated. Could France refuse to Russia the right of occupying the dominions of the Porte

after the course which she herself had taken with regard to Algiers? Did not France intend, without reference to England, or to Russia, or to the Porte, to take permanent occupation of Algiers? If France did intend that, contrary to the solemn declaration made by her sovereign, Louis Philippe, on his accession to the throne—if she did intend to appropriate to herself a possession of the Porte, which, though virtually independent, still acknowledged the superiority and sovereignty of the Porte—and if France had also, either directly or indirectly, encouraged the Pacha in his attack on Turkey—then Russia had a right to reject the remonstrances of France, and to protect Turkey in spite of France. If, too, Great Britain was so intimately bound by her boasted alliance with France as to be forced to support the policy of France, then, though the ministers did not avow it, he could understand why they were forced to leave to Russia the task of protecting Turkey from the irruption of Ibrahim. These were the grounds upon which, he thought, that we might have expected, and might have foreseen, from the interference of Russia, those consequences which had since ensued. Whether the treaties entered into were pregnant with future danger to this country or not, was a matter he should reserve for future discussion, if an opportunity was afforded him. For the present, he claimed the right to know what were our relations with Russia,—what were our relations with Turkey,—what were the treaties which had been entered into between those two powers which at first gave rise to serious apprehensions on the part of this country,—which apprehensions, the noble lord said, had been removed by subsequent explanations? This constituted a body of information which the representatives of the people of England, in the present state of foreign affairs, had a right to require, and which the British government ought to give by a formal and authorized communication to parliament, instead of leaving the House of Commons entirely in the dark, or, at least, with no other means of acquiring knowledge than those which might be imperfectly supplied by foreign newspapers, or the debates in foreign chambers.

After some remarks by Mr. Secretary Stanley and Mr. Cutlar Fergusson, the motion was negatived, and the House went into a committee of supply.

FREE-TRADE—CORN LAWS.

MARCH 19, 1834.

Mr. Ewart presented a petition from the great body of the inhabitants of Liverpool, praying for a Free-trade in all articles of importation, but more especially in Corn. The hon. gentleman then proceeded to read the petition, and signified his most hearty concurrence in its prayer.

In the discussion which ensued,—

SIR ROBERT PEEL said, the hon. gentleman, the member for Bath (Mr. Roebuck), commenced his speech by observing, that this was a very simple question, which could be stated in five minutes. Now, what precise period of time it would take to state the whole of the case I will not determine; but this I know, that the hon. gentleman has occupied the attention of the House for considerably more than five minutes, and yet he has omitted altogether almost every one of the most important elements which enter into the consideration of a question of the utmost importance, complication, and difficulty. Take, for instance, one consideration, the relation of this country to Ireland; the attempts making to excite a popular feeling in Ireland against the legislative union; the degree to which those attempts may be encouraged, should we depress that interest in the sister country on which her prosperity almost exclusively depends. Surely this is an important element in the decision of the question, which cannot be excluded from the minds of provident statesmen. Surely the difficulties it involves are not removed by the mere assertion—that the principles of free-trade require you to buy your corn in Poland, if corn is cheaper in Poland than in Ireland. The hon. member says that the case is simply this: other countries can produce corn cheaper than England, and England can furnish manufactured goods at a cheaper rate than other countries, and therefore all further discussion is needless; the conclusion is inevitable, that there ought to be a perfectly free interchange between the two commodities. But is this position (a position

tenable, perhaps, in the abstract, with respect to a new society and a new state of things)—is this position necessarily true in regard to a country situated like this, with balanced and complicated interests, with burthens from taxation which cannot be removed, and those burthens unequally apportioned in their pressure? The hon. gentleman says, that the landed interest claims the continuance of the duties on foreign corn, on the sole ground that that interest is the most important interest, and has a claim to be protected at the expense of all other classes of the community. I deny this to be the ground, that is, the exclusive or the main ground, on which the landed interest rests its claim for protection. Whether it be not most important, in a constitutional point of view, to maintain that interest—whether the moral and social interests of the whole community are not deeply concerned in its maintenance—is a point into which, on this occasion, I will not enter. I concede nothing upon that point to the hon. gentleman, but I will content myself for the present with showing, that protection for the land is not urged merely on vague allegations of general policy, but on the grounds of substantial and equal justice. I contend, then, that before you determine to take off the restriction on the import of foreign corn, you ought first to look at the burthens to which the landholder is subject, and at the difference of degree in which those burthens, whether they be local or public burthens, press upon the landed proprietor and the manufacturer respectively. Consider the land-tax, the malt-tax, and the payment of tithes; for tithes are admitted by all political economists who have written on the subject of free-trade in corn, to be a tax peculiarly burthensome to the land, and for which the land is entitled to equivalent protection. I hold in my hand an account of the amount of poor-rates paid by this country in the year 1823, which, though it may refer to a somewhat remote period, will yet tend to show the proportionate pressure of that impost upon the land and upon trade. The total amount of the poor-rates paid in the year 1823, in England and Wales, was £6,703,000. Of this, dwelling-houses paid £1,762,000; the land, £4,602,000; and mills and factories, only £247,000—namely, one-eighteenth part of the payment of the land. I ask, therefore, can it be said, after such a statement, that the local burthens are fairly appropriated between the landed and the manufacturing interests—and have not the proprietors of land a right to claim, on this head alone, that degree of protection for their property, which is equivalent to the excess of contribution to which the land is subject? As I before observed, I will, on the present occasion, put out of the question the policy of supporting the landed interest on grounds involving moral and social considerations. I will not now dwell upon the importance, in a national point of view, of encouraging the improvement in the land, or the effect which that improvement has had in promoting the general health, and diminishing the average mortality, of the country. I will not now discuss whether there be not other and higher considerations for a great country than the mere accumulation of wealth, and whether we should be a happier people, even if we were a richer—if this country presented nothing but vast congregations of steam-engines and factories, separated by morasses and rabbit warrens—I will, I say, put all considerations of this kind out of the question, and merely ask, is it fair or just to hold up the landed proprietor as a monopolist, claiming an exclusive protection for his property from motives of mere pecuniary gain? If there be a free trade in corn, is it not evident that the landholder will be no longer able to bear those burthens which press peculiarly on the land? Let not the manufacturer suppose, that, if the interest of the landholder is sacrificed, he can bear his present burthens; there must be a different appropriation of those burthens—a transfer of them from the landed interest to more prosperous claims. Will the land be able, when exposed to competition with foreign corn, any longer to support those classes of the poor whose distress is occasioned by the vicissitudes of manufactures? Do those who represent the landholder as a monopolist mean to contend that there is no other monopoly but that of the supply of corn?—that the landholder claims an exclusive protection?—that the landholder is subject to no tax imposed for the purpose of securing monopoly, or giving protection to the manufacturer? It is true, that this petition applies generally for the establishment of free-trade. I can well understand that the great export merchants of Liverpool are desirous for a free-trade in corn, and in all manufactured articles also; but do the manufacturers of the large towns, and throughout the country, join in such a demand? There is a great misconception

on this head. The manufacturers seem to think that restrictions on the import of foreign corn are open to some special and peculiar objection in principle, to which restrictions on the import of foreign manufactured goods are not liable. This Liverpool petition speaks of restrictions on the corn trade as at variance with the rights and privileges of free-born Englishmen. This is mere nonsense. Such restrictions are no more at variance with any right of the subject than restrictions on the import of foreign silk handkerchiefs. The objection to the restrictions on foreign corn is this,—that they give an undue encouragement to the application of capital to the production of corn, and that therefore, by the diversion of capital, they diminish the sum of the national profits. Precisely the same objection applies, and with equal force, to every restriction on foreign manufactures, operating as a bounty on our own. There is no difference in the character of the two monopolies. I will refer to any writer on the subject—I will ask the hon member for Bolton, whose works I have read with great pleasure, as they are distinguished by very great clearness and ability, whether there is any argument which can be urged against the protection of the landholder which is not equally applicable to the protection afforded to the manufacturer? I do not think the manufacturers clearly understand, that the abolition of the restrictions on foreign corn must be instantly followed by the removal of every impediment to the import of foreign manufactures. And are there no such impediments? I have before me pages upon pages of duties on foreign manufacture, beginning with letter A and ending with letter Z.—[Mr. Hume: These are collected for the revenue.]—No; nine out of ten of them are imposed, not for revenue, but for the purposes of prohibition or protection. The hon. gentleman speaks of revenue; why, so far from the landed produce of this country being protected exclusively from foreign competition, there is so much of foreign butter and cheese introduced, that the revenue collected upon those two articles alone amounts to £200,000—more than is collected on the import of the whole foreign silk manufactures.

Mr. Hume: It is not denied, that a considerable sum is raised upon the importation of foreign cheese and butter, but that the duty on these and other commodities raises the price without any benefit to the state.

Sir Robert Peel: And is not the effect of the duties on foreign silk precisely the same? What I am now maintaining is, that the landlords do not enjoy an exclusive monopoly. Let the silk manufacturer propose an abolition of the duty on foreign silks, and then he may, with some better show of reason, at least, complain of the corn-laws. Recollect, too, that the landholder has to pay the land-tax, and the malt-tax, and the tithes.—[Mr. Hume: It is the consumer who pays the malt-tax.]—Yes; but the consumer will consume more malt if you repeal the tax. The tax, though paid directly by the consumer, operates as a discouragement on the growth of barley. The member for Bolton must think with me, that the malt-tax is a burthen on the land; for he gave notice the other night, that, if the hon. member for Oldham had succeeded in abolishing the malt-tax, he should move for the repeal of the duty on foreign barley. I should like to know what single article of manufacture this landholder—this great monopolist—can consume, without paying a tax. What step can he take—which way can he look—what is the single action of his life that is not taxed for the protection of the manufacturer? The manufacturer claims a right to eat foreign corn without paying a duty—can the farmer wear a foreign dress without paying one? Can he look out of his window—can he build his house—can he dress himself—can he eat his meals—can he enjoy any amusement in doors or out—without encountering a tax, levied, in addition to the original cost, on every article of foreign manufacture? Let us begin with the first act of the day. He dresses himself. If he wishes to wear foreign boots, he must pay at the rate of £2 14s. per dozen pair; for his foreign hat, he must pay 10s. 6d.; for his shirt, forty per cent.; if he indulges in foreign woollens, he must pay twenty per cent.; but, if he should fancy a foreign silk hat, how much do you think he will have to pay? No less than a duty of £1 5s. for the single hat; and if his wife should covet a silk gown of foreign manufacture, she must pay a duty of £2 10s. So much for the farmer's dress. Now take his meals. Upon foreign porcelain, he must pay twenty per cent.; upon his glass, twenty per cent. If he uses an article of foreign silver plate, he must pay 6s. 4d. per oz.; if of gold plate, £3 : 16 : 2 per oz. His very walking-stick is taxed.

[An hon. member: No; the taxes on foreign canes are abolished.] I beg your pardon; they are no such thing; so far from it, there is more ingenuity shown in imposing discriminating duties upon foreign walking-sticks, than on all the other articles put together. I am speaking with the book before me. If I walk with a bamboo-cane, I pay at the rate of 5s. the 1,000; if with a rattan, not ground, 5s. the 1,000; if with a whangee, or a jumboo, or a dragon's blood, still 5s. the 1,000; but if I aspire higher—if I take pleasure in a walking-cane or stick that is either mounted or painted, or otherwise ornamented—that is, if there is the slightest competition with domestic labour—then I must pay twenty per cent. duty on the value of my ornamented stick. [Mr. Hume: These duties are absurdities.] So they are; but, therefore, they prove more strongly the *animus*—they prove more strongly, that protection is the ruling principle. Now, these are some of the items—a very small part—but some of the items of that bill which the right hon. gentleman, the President of the Board of Trade, the other night, called upon the agriculturist to furnish. He said, "Bring in your bill, and I will pay it." Why, we cannot make out the bill without a tax on every article we use in making it out: for our pens we must pay thirty per cent.; for our pencils thirty; for the paper on which we write, 9d. per lb. If we send the bill to the right hon. gentleman in an envelope sealed with wax, we must pay thirty per cent.; if we use wafers, 1s. 3d. per lb. It is the same with every foreign article necessary for the convenience or the amusement of this supposed monopolist—the farmer. If he rings a foreign bell, the charge is thirty per cent.; if he wears a foreign watch, twenty-five; if he uses a foreign carriage, thirty; if he shoots with a foreign gun, he must pay twenty per cent.; and foreign gunpowder he cannot buy. If he plays on a foreign fiddle or a foreign flute, or any foreign instrument, the duty will be twenty per cent.; but if he plays with foreign cards, he incurs the moderate charge of about 7s. per pack duty, for what, probably, costs 1s. Have not I, then, established my position—that there is scarcely one act of a farmer's life for which he is not subject to a tax; and that tax imposed for the protection of some domestic manufacture? Nay, taxation does not end with his life—it visits him even in the grave; for if he should desire to lie under foreign marble, he must pay 2s. 6d. per square foot for his tombstone. Now, what does all this show? That the restrictions on the import of foreign corn are part of a whole system of restrictions, devised and continued for the purpose of encouraging both domestic produce and domestic manufacture; that the grower of corn is no more a monopolist, no more a gainer by protection, than is the watchmaker, the hatmaker, the shoemaker, the glover, the manufacturer of paper, of silk, of brass-work, of woollen, of cotton, of porcelain, of carriages,—of every thing. Destroy the whole system of protection and prohibition, and even then you will have to consider whether the burthens upon the land are not unfairly laid; whether the produce of the land—malt, for instance—is not taxed in a degree, which, although the tax may be paid by the consumer, unduly encourages the consumption of other articles, to which, but for the tax, malt would be preferred. You will have, also, to consider whether it is just that the land should bear so large a proportion of the expense of maintaining the roads and of administering criminal justice, when the large towns—the congregation of great masses in manufactures—contribute so much more than the land towards the production of crime. [Mr. Roebuck: That is not the case.] I differ from the hon. gentleman, but I will not insist upon the point; but, still, suppose the extent of crime to be equal in the two classes, the manufacturing and agricultural, can he deny this—that the expense of punishing crime falls disproportionately upon the land? Here, Sir, I must, on account of the hour, conclude. It was not my purpose to enter into the general considerations on which the policy of encouraging agriculture may be vindicated. I purposely took, in reply to the hon. gentleman, the humbler and much more limited ground, of attempting to show, that the agriculturist, in opposing the free-trade in corn, is not claiming for himself an exclusive protection—that the protection which he claims is not more than the special burthens which he bears—and that it is, therefore, most unjust that he should be held up to public odium as an unfeeling and rapacious monopolist.

The Speaker having left the chair, the debate was adjourned.

BOROUGH OF HERTFORD.

MARCH 19, 1834.

The House resolved itself into a committee on this Bill. On the first clause being read—

SIR ROBERT PEEL rose to move an amendment, the effect of which would be, if adopted by that House, to leave the bill in this state:—That the elective franchise of that portion of the constituency which had been declared corrupt by the report of the committee would be forfeited, but the existing limits of the borough—the extended limits as laid down by the Boundary Bill—would be still maintained, and the elective franchise would be preserved to those constituents who had been declared by the report of the committee to have remained pure and untainted by the corrupt practices which disgraced others. He conceived it to be unnecessary to give an assurance that he was ready to acquiesce in any measure which should have the effect of punishing proved corruption. With great reluctance, and with great violence to his own feelings, by the last vote which he gave, he consented to forfeit the franchise of that town which was the capital of the county in which he resided. He deeply regretted it; but he thought the proof of the general corruption prevalent in Stafford was so strong, that, whatever be the reluctance with which he gave such a vote, he was bound to overcome it, and to consent to make that borough a public example. For this same reason he would consent to the passing of the first clause of the present bill, by which the guilty would be punished. But he should maintain, on grounds which appeared to him to be immovable, that they were called upon to preserve to the remaining portion of the inhabitants of the borough the franchise they now possessed, and which they had exercised with proved integrity. There were in this case, as in almost every question, considerations both of expediency and of justice. Of the impolicy of making a large rural district into a borough, and of giving it the privilege of returning members to parliament, instead of retaining that privilege to the town,—of the objections to giving, as this bill would give, in point of fact, two additional members to the county of Hertford—being five in the whole—he had before spoken. He would not, on the present occasion, advert to any considerations of expediency; he addressed himself to the House, sitting in its judicial rather than in its political capacity; and he felt the considerations of justice to be so powerful, that he would not consent to weaken their force by any reference to considerations of mere expediency. Founding his argument upon the report of the committee, and upon the preamble of the bill, he would attempt to show, that there would remain within the existing limits of the borough of Hertford, a constituency numerous, respectable, and above all suspicion; and that the House—acting in its judicial capacity—entertaining a desire to make a just discrimination between the guilty and the innocent—prepared to inflict punishment where punishment was due—but to protect innocence from that measure of punishment which guilt only should incur,—he should attempt to show, that the House was bound to preserve to the honest possessors of the franchise their entire rights. In the preamble of this bill he entirely concurred; thinking that bribery and treating prevailed previously to, and during, the last election of members to serve in parliament for the borough of Hertford; and thinking it was expedient that means should be taken to prevent the future return of members to serve in parliament for the said borough being influenced by corrupt and illegal practices; but he would undertake to prove, that if the House continued the privilege of voting to the £10 constituency and the freemen, it would fulfil the object contemplated by the preamble of the bill, and would effectually prevent the existence of corruption for the future. Out of deference to the report of the committee, he consented to disfranchise the old constituency. That committee formally examined the whole case, and enquired into the manner in which the election had been conducted; and although he thought the proof of actual corruption not very strong, yet still, on a view of the whole circumstances attending the election,—the extent to which treating prevailed,—the distribution of tickets, if not amounting to bribery, were very nearly akin to it, and would afford, if the practice were unchecked, a ready means of bribery. Combining with

these considerations the deference due to the report of the committee which heard the whole of the evidence, he should not object to the disfranchisement of that part of the constituency which was considered by the committee to be corrupt. The next question for the House to determine was, whether or no there would remain within the existing limits of the town of Hertford a constituency sufficiently numerous and respectable to be intrusted with the elective franchise. For proof of its respectability he relied on the report of the committee, of which the hon. gentleman opposite (Mr. Bernal) was chairman. That committee,—having maturely examined the case—animated by a sincere desire to administer impartial justice—having, certainly, no leaning in favour of the borough—after hearing the evidence, and deliberating upon it,—made this remark:—"That the portion or class of the electors of the borough of Hertford, who have been affected by the corrupt practices which prevailed previously to, and at the last election, were the inhabitant householders renting houses under the annual value of £10, who, with very few exceptions, appear to have participated in, and were connected with, such corruption." That was the conclusion at which the committee arrived. Let the bill proceed upon that; let those who were guilty incur the penalty; let that penalty, as the corruption was so extensive, extend to the whole class. But the same committee reported:—"That, on the other hand, your committee have not been able to discover that the general body of the freemen, or of the £10 householders, except perhaps in some few cases, have been at all affected by, or concerned in, any of the said practices." Let the House observe, that the whole of this class—with the exception of some few cases, and even that exception was qualified by a "perhaps;"—the whole of this class, including the freemen and £10 householders, notwithstanding the temptation to which they had been exposed, were acquitted by the report of that committee, not only of having been concerned in, but even of having been the least affected by, the practices which prevailed. If the number were sufficient to constitute a good constituency, considerations of strict and rigid justice would preclude the House from subjecting these men to the punishment which should be reserved for guilt. There would remain in the borough of Hertford, if his suggestion were adopted, in the first place, 124 voters, voting only as freemen. The committee reported that there were in the town of Hertford between 430 and 440 houses or tenements of the annual value of £10, but that some of these were in the occupation of females. On the question, what constituted a sufficiently numerous constituency, various opinions might be held; but he could refer to a high authority on the subject,—the Reform Bill,—on which the whole elective system of the country was founded. In most matters of this kind—necessarily in some degree arbitrary—there was no rule to control or guide individual impressions; but here he found a guide, of which those who concurred in the principles of the Reform Bill ought entirely to approve. By the Reform Bill it was declared, that every one of the ancient boroughs of this kingdom, which had a population of 4,000, should be entitled to retain its right of returning two members to parliament, and the instructions given by the government to the Boundary Commissioners, for the purpose of enabling them to report whether, in any case, the limits of a borough, the franchise of which was preserved, should be extended or retained, were to ascertain whether there were 300 £10 householders within the ancient borough. Four thousand inhabitants, therefore, was the amount of population assumed by the Reform Bill, as the proper one to protect the ancient boroughs from disfranchisement, and the existence of 300 £10 householders within the borough, was assumed as a number amply sufficient to warrant the preservation of the ancient limits of the boroughs. There were, at present, however, in the town of Hertford 520 £10 houses; at the time of the report, he believed, there were not more than 440; but so flourishing was the town, that since that period no less than eighty additional houses had been built. Hon. gentleman opposite smiled, by which he supposed, if a smile could insinuate any thing, it was meant to be insinuated that some of these houses might have been built for election purposes; but that he positively denied. He would adopt the principle of the Reform Bill in this respect—he would disregard all individual interests. He had nothing to do with individual interests, and, by consenting at once to disfranchise the whole class of voters renting houses below the annual value of £10, he gave a con-

clusive proof that individual interests entered not into his consideration. Even supposing that the anticipated repeal of the house-duty had had the effect of adding 100 to the constituency which existed when the report of the committee was made, he had as good a right to take credit for that 100 in calculating the number of persons entitled to the franchise as if it arose from any other cause. The simple question was—were there 500 £10 householders?—not how they became so? Suppose, then, that instead of 443, there were in the borough of Hertford 520 respectable householders, capable of exercising the franchise with propriety, he had a right to add those 520 respectable householders to the 120 freemen, in order to fortify and confirm the argument, that the House was not entitled to deprive this place of its privilege, or depreciate the value of that privilege, by uniting this town with half a dozen others. By the Reform Bill, no less than thirty boroughs were left in the possession of the right to return two members, the number of houses in which was under 430. How many there were with less than 520, on which he founded the claim of Hertford, he had not the means of ascertaining. Of these thirty towns, twenty-six paid a less amount of assessed taxes than was paid by Hertford—another sure indication of the importance of the town. The commissioners, in their report, which was made in the year 1831, described the town of Hertford in a very short but emphatic sentence,—as a busy and prosperous town. He would compare the state of Hertford with that of the neighbouring town of St. Alban's, the franchise of which was untouched by the Reform Bill. He did not complain of that; it was left very properly untouched, because it was considered to have a constituency sufficiently respectable, and a population sufficiently numerous, to entitle it to retain the privileges which it possessed. The population of Hertford was 5,360; of St. Alban's, 5,771. The amount of assessed taxes annually paid by Hertford was £2,273; by St. Alban's, £2,127. The number of rate-payers in Hertford was 849; in St. Alban's 709. He said nothing whatever of Hertford being a county town. He placed no reliance on that fact, though many gentlemen might think it aggravated the injustice to deprive a county town of its representation. He was content to waive all advantage from this argument, and to place Hertford on the same footing with every town left untouched by the Reform Bill. He claimed for Hertford only the same right which was conceded by the Reform Bill to every borough containing the same amount of population, and an equal number of £10 houses. But mark the difference between the principle of the present measure, and that of the Reform Bill; the present bill inflicted a judicial punishment; the Reform Bill was a political measure, founded on the assumption, that a great alteration in the elective system was necessary. In that case, it was argued that, although the legislature might regret the necessity of interfering with existing interests, yet, when the public welfare was at stake, all minor considerations of individual interest must give way. When dealing with the Reform Bill they were not acting judicially; they were acting as politicians; and, in that case, the interests of individuals might, with much less of violence and injustice, be sacrificed to the good of the whole community; but even if they were acting on mere political grounds—on exactly the same principles they acted in regard to the Reform Bill—still they would be bound by similar considerations of expediency to adopt the principle of that bill—that principle which rescued thirty boroughs of smaller population and more limited constituencies than Hertford from disfranchisement. But as they were acting judicially, they were bound by much higher considerations not to go beyond the Reform Bill. On what principle, if St. Alban's and these thirty towns were left in possession of their franchise, could they confiscate or interfere with the rights of this constituency, which was admitted to be at least as pure as that which existed in any of the other boroughs? They had no evidence with respect to their purity or corruption—they had no proof of their having been exposed to temptation; but here the House had distinct proof, that corrupt practices did prevail, that these men were exposed to temptation, and that they honestly resisted it, and remained pure. He asked, then, would it not be utterly inconsistent with the first principles of justice to inflict any punishment whatever on them? It was of the utmost importance, in order that the example should be effectual, that they should establish a just discrimination between the innocent and the guilty. He said, forfeit the franchise of the men proved to be

corrupt—nay, forfeit the franchise of that class, the vast majority of which was corrupt; but if he found other classes who, amidst corruption and temptation, had remained pure, he would first, out of a regard to justice, and next, in order to make the example of the guilty effectual, respect their integrity. Was it not of great importance that examples should be made of the guilty only? They were all aware how necessary it was that the other House of Parliament should concur in the bill. He hoped they would; he was sure nothing could be so unfortunate as the constant postponement of legislative measures in consequence of differences of opinion. If they erred, then, let them err on the safe side; and send up a bill consistent with the principles of justice, and then they would run no chance of the necessary punishment not being inflicted; but if they sent up bills which might be reasonably considered not in accordance with the principles of justice, there was a fair ground for resisting them, and the consequence of that resistance was, that no punishment at all would be inflicted, and the guilty persons would remain in possession of the franchise. What an appeal might be made to the House by these £10 householders, supposing the House determined to deprive them of their franchise! They might say, “Of what avail is our integrity; it meets with no regard from you; you deal out to us precisely the same punishment which would have been our lot had we been corrupt.” If he had shown that, by the principles of the Reform Bill, this borough would have been safe with its present constituency—if he had shown that, in point of fact, it had a larger constituency than thirty boroughs which were left untouched by the Reform Bill—if, adopting the Reform Bill as the test by which to determine the amount which constituted a sufficiently numerous and respectable constituency, this borough would be safe, then he implored the House, acting in its judicial capacity, to make a distinction between the guilty and the innocent, and not to permit those who had resisted temptation—who had been acquitted, even of participation in the remotest degree, with the corrupt practices which prevailed—to be involved with the guilty in one common punishment. His amendment was, that all the remaining clauses of the bill, after the first, be struck out.

After a short discussion, the committee divided on the amendment: Ayes, 43; Noes, 78; Majority, 35. The clause agreed to, as were the remaining clauses, and the House resumed.

LIVERPOOL FREEMEN.

MARCH 19, 1834.

Lord Sandon, on the Speaker calling Mr. Bennett's name, presented several petitions against the bill of which the hon. member was about to move the third reading. The petitions were ordered to lie on the table.

Mr. Bennett then rose, and, after a brief speech, moved that the bill be read a third time.

In reply to some remarks by Mr. Baines,—

SIR ROBERT PEEL said, he did not feel the force of the argument of the hon. gentleman. If an opportunity was afforded to the House, he doubted not it would make an example of those persons against whom gross bribery and corruption were proved. He thought, however, that as regarded the present measure, it was one which ought to be regulated by principles of justice, and he did not despair of the House doing justice. But if the bill were pregnant with injustice, then he would resist it, rather than consent to its standing a disgrace to the House of Commons. The hon. gentleman who had last spoken, had declared that this bill had nothing whatever to do with the difference of station as between the rich and poor. It was then contended, that it punished alike all the delinquents. Now, let the truth be stated. There were freemen of Liverpool, some of whom were rich, whilst others were poor. The poor voter had temptations held out to him which it was hardly possible or natural to suppose he could withstand or resist. The different grades of bribery varied from £5 to £40 in regard to the price of a vote. The poor man came early into the field to tender his vote, and he received £5; while the rich freeman kept back his vote to the particular moment, and received the higher price

for it—he received £40! So far as moral guilt went, could they deny the fact, that the rich man was infinitely the more culpable party? And did this bill go to visit the rich man with severer punishment than that which it inflicted upon the poor man? And then they allowed the rich man to continue to vote. Upon what principle was it that 550 freemen thus disfranchised were to be allowed to vote, and were qualified as £10 householders? Why, nothing was more dangerous than to teach the lower classes (he meant only those persons who were lower in a pecuniary point of view) to undervalue the right of exercising the franchise. This was a trust which they held—not a high privilege only, but a trust which they held for the benefit of the community at large. If the Reform Bill gave a privilege to the £10 householder who should honestly have exercised it, he did not see, certainly, that the House, acting in their judicial capacity, should deprive him of it. Could there be any doubt of the soundness of this principle? But why should such a measure be addressed to one place particularly? The hon. gentleman who had last addressed the House had alluded to the case of the borough of Grampound; but that case had nothing to do with the present argument; for, in that instance, the franchise was removed altogether from the borough, whereas in Liverpool they left the right of £10 householders uninjured and untouched. Now, Grampound, if he recollected rightly, was a scot-and-lot borough—there were no inchoate rights; and the question in the present case was, whether those persons who had honestly exercised their privilege should continue to vote as heretofore.

Lord John Russell then addressed the House. An amendment, by Mr. Bethell, was negatived; and the House divided on the question that the bill do pass: Ayes, 109; Noes, 52; Majority, 57.

DISSENTERS—CAMBRIDGE PETITION.

MARCH 26, 1834.

The adjourned debate on this subject having been resumed,—Sir Robert Inglis, Mr. O'Connell, and Viscount Palmerston addressed the House.

Rising after the noble lord (Palmerston), SIR ROBERT PEEL spoke as follows:—I stand, in some respects, in the same situation with the noble lord who has just sat down—like him I enjoyed, for a considerable period, the honour of representing one of the Universities—like him, I have ceased to enjoy that honour; but I remain also, like him, animated by an unabated desire to advance the permanent welfare of the Universities, convinced, as I am, that it is intimately interwoven with the well-being of the community at large. I shall address myself, without further preface, to the main question at issue; and I must say, that if every hon. member would adopt that course, and consent to omit a long irrelevant exordium, it would tend much to the economy of the public time, and to the despatch of the public business. The prayer of this petition has been supported upon three distinct grounds, to each of which I shall advert, if the short period to which I am limited will permit, in succession. The first ground is, that the system of education pursued at the Universities, coupled with the regulations adopted by certain other public institutions, imposes civil disabilities on the Dissenters which they are most anxious to see removed. Now, I at once admit, that if such civil disabilities exist, they ought to be removed. I admit, that if there be a system of education, and of regulation connected with education, adopted by public bodies acting under the authority and sanction of the state, which confers advantages of the nature of civil privileges on one class of the king's subjects that are withheld from another, that system ought to undergo a modification, for the purpose of placing all, in so far as political or civil capacities are concerned, upon the footing of equality. The Dissenters allege, that by the statutes of the Universities they cannot be admitted to degrees, because they cannot conscientiously take the religious test, which is an indispensable condition to the degree; and as other public bodies, superintending the professions of medicine and of law, give to those individuals who obtain degrees in the Universities advantages which they, the Dissenters, cannot acquire, that they, therefore, in consequence of

the combined operation of these regulations, labour under disabilities to which other members of the state, in prosecuting their studies in law and medicine, are not subject. I am bound to say, that I feel the full force of this objection. I think the disadvantage, whatever be the amount of it, ought not to continue, and that there is a fair claim for the interposition of the sovereign authority, if relief cannot be obtained without such interposition; but I do not admit that it therefore follows, that the prayer of this petition ought to be complied with, and that Dissenters ought to be admitted to degrees in the Universities. It may, and I think it does follow, that the state ought to require, that those who preside over the professions of law and of medicine, should so modify their regulations as to give, substantially, to all parties, equal facilities of admission to the two professions, as to efface all appearance of inferiority, and to remove every distinction, whether involving a disability or a sense of degradation, by which the Dissenter can suffer. In what way this shall be done, there is not now time, nor is this the occasion, to enquire. That it ought to be done, in some way or other, I readily concede; although I protest against that particular mode of doing it suggested by the Cambridge petition. This was the first ground relied upon in support of the petition, and I was desirous to state, at the outset, the extent to which I admit its validity. The prayer of this petition has been maintained upon two other grounds: the one, that the Dissenters have a right—a positive right—iudpendent of their claim to the removal of those civil disabilities to which I have before referred—to participate fully in any system of University education recognised by the state;—the other, that, whether there exist a right or not, great public advantage would result from conceding to them such a participation. Now I say, at once, that while I am as much disposed as any man strenuously to contend for the removal of all civil disabilities—while I am prepared to maintain that principle, and to carry it practically to all its legitimate consequences—I must nevertheless contend, that the demand, on the part of the Dissenters, to be admitted to degrees in the Universities of England, is, as a claim of abstract right, without exception, the most extravagant demand which has been advanced in modern times. If we have not the right to exclude Dissenters from the benefits of University education, we have not the right to maintain the connexion between the Church and the State. The arguments by which a system of education limited to members of the establishment can be maintained—(I am now speaking of the abstract right so to limit the system, not of the policy)—are identical with those by which the establishment itself can be supported. My right hon. friend, who introduced this petition, very prudently avoided the question that has been agitated by others, whether such a right does or does not exist, and mainly confined himself to a statement of the benefits, both to Dissenters and the public at large, which would result from the concession of the privilege required. My right hon. friend, however, is too old and skilful a disputant not to know, and not to avail himself of, every matter, however irrelevant to the real merits of the question, by which he could create a prejudice against those statutes or regulations of the University which he is seeking to repeal. My right hon. friend first told the House, that the decree, of which the Dissenters complained, originated in the reign of James I., at a period at which barbarous dogmas in religion and politics prevailed, from the influence of which this enlightened age has been happily relieved. My right hon friend knew his audience—he knew that an attack upon the character of James I.—that even the mention of Newmarket—would produce a more lively impression on the House, than a sober argument upon the substantial merits of the case. He told the House, that King James I., not in Council, but when he was engaged in the sports of the field, sent a mandate from Newmarket, in the shape of a letter (a hasty and inconsiderate letter, written, I suppose, between the heats), and that, in consequence of that letter, the Dissenters were forthwith, and for the first time, excluded from the privilege of degrees. And then, says my right hon. friend, after exciting the House to a proper pitch of indignation, will you, the reformed parliament, consent to ratify the Newmarket decrees of James I.? Will you not rather recur to that purer and happier era, when, under the gentle auspices of Queen Elizabeth, the true principles of civil and religious liberty were so well understood and so carefully enforced in practice? Why, surely, my right hon. friend knows perfectly well, that he was concealing from the reformed parliament an important fact—no other than this—that it was in the reign of Elizabeth that tests were im-

posed, the main and avowed object of which was to confine degrees in the University to the members of the Established Church. During the reign of Queen Elizabeth, the presumption was, that the community was divided into two great classes—those who belonged to the Established Church, and those who adhered to the Roman Catholic religion. It was not until the close of the life of Elizabeth that serious differences in point of doctrine arose among the Protestant reformers. The very first act of the reign of Elizabeth required, that every member admitted to any degree in the University should take the oath of supremacy. That oath differed materially from the present oath. It did not merely reject the supremacy of the Pope, but it declared, that the Queen's Highness was the only supreme governor, as well in all spiritual and ecclesiastical things or causes, as temporal. But what does my right hon. friend say to the act for the uniformity of common prayer and divine service in the Church, passed in the same year—the first of Elizabeth? This act required all persons, under heavy penalties, to resort to their parish church, or chapel accustomed, in which divine worship, according to the rites of the Church of England, was performed upon all Sundays and holidays. The operation of this act, combined with the religious test, was meant to confine degrees in the Universities to the members of the Established Church. The decree of James went merely to enforce that which had been the principle of the previous laws of Queen Elizabeth, my right hon. friend's pattern of toleration. But my right hon. friend has something yet in store, to fill up the measure of contempt with which James I., and all his decrees, should be viewed in this enlightened age, and by this reformed parliament. He reserved for the last—for the climax of his wrath—the tremendous fact, that James I. was actually the author of a Treatise on Demonology. Now, can any thing be more absurd than this attempt to weaken the authority of existing laws, by referring to the speculative doctrines entertained by the monarch in whose reign such laws may have been made? When we come to the discussion of the repeal of the Act of Union, will my right hon. friend consent, that the binding authority of that statute shall be decried by a reference either to the circumstances which may have attended its enactment, or to the private opinions which may have been held by the King in whose reign it passed into a law? But James I., says my right hon. friend, wrote a Treatise on Demonology. Is my right hon. friend aware, that his own chosen model—his great example of religious toleration—Queen Elizabeth herself, wrote also a Treatise on Demonology? Her treatise, to be sure, is a very short one; but I much doubt whether she does not put her argument with greater force than King James. It may be asked, how does this line of argument bear on the question before the House? I answer, not in the remotest degree; but when prejudices are attempted to be unfairly excited by such topics as those of which my right hon. friend made use, then it becomes necessary to efface the impression by exposing the artifice, and by showing that the topics are not worth one farthing. My right hon. friend invited the House to respect the authority of Queen Elizabeth, and to reject that of James, because James believed in demonology, and wrote a treatise upon it. I answer, but Elizabeth was a believer also; and I produce her treatise on the same subject. The title of Queen Elizabeth's performance is, "An act against conjurations, enchantments, and witchcraft;" and this is the form in which she puts her argument:—"Whereas, since the repeal of the statute of Henry the VIII., many fantastical and devilish persons have devised and practised invocations and conjurations of evil and wicked spirits, and have used witchcraft, enchantments, and sorceries, to the destruction of the persons and of the goods and chattels of their neighbours. Therefore," says Queen Elizabeth, "if any person, after the 1st day of June next coming, shall use, practise, or exercise any charm or sorcery, whereby any person shall happen to be wasted, consumed, or lamed, or whereby any goods or chattels of any person shall be destroyed, such offender, with his councillor and aider, shall suffer imprisonment for one whole year; and shall once a quarter, in some market town, stand in the pillory six hours, and shall then openly confess his error. For a second offence he shall be hanged." So much for Queen Elizabeth's treatise on demonology. These, Sir, were the absurd errors of the times both of Elizabeth and James; but I am pretty confident that I have somewhere read, that James was the first man in his dominions who opened his eyes to these errors, and doubted the existence of witchcraft and demonology. Wiser men than James were not exempt from these errors.

Does my right hon. friend forget the opinions of Lord Bacon with respect to witchcraft? Lord Bacon, the greatest luminary of his age, and one of the most powerful intellects of which any age has had experience, gravely considers the reason why witches delighted to feed upon man's flesh. "The reason," he says, "is likely to be, that man's flesh may send up kind and pleasing vapours, which may stir up the imagination, and as the great felicity of witches doth consist in imagination, this may be the reason for their liking man's flesh." Now, I ask, is this great man's authority on every other point to be set at nought, because he entertained opinions which we, in a later age, ridicule as childish and absurd? To revert to the question of right. The right to what? Three days have been spent in the discussion of this subject, and at this moment the extent of the right claimed by the Dissenters is not defined. The petition is specific; but the debate leaves the matter in complete uncertainty. Two gentlemen, who speak with authority on the part of the Dissenters, have taken a part in the debate. The member for Leeds claims for the Dissenters a perfect right to participate, not in degrees merely, but in all the emoluments and rewards of the University, except, he says, those which may be specially appropriated for religious purposes directly connected with the Church of England. I am not satisfied, says the hon. member, with the prayer of the petition; but I claim for the Dissenters the right to be elected to all the offices of the University, with the limitation above mentioned. The hon. member for Boston reserved for the end of his speech this important declaration: "It is right," he said, "that I should not conceal from the House, on this solemn occasion, what the real objects of the Dissenters are, and what is the extent of their claims; and I shall adopt the precise language of Mr. Locke, in order that there may be no misunderstanding as to the full expectations and wishes of the Dissenters." And then, in the most impassioned manner, and with an air of sincerity which led me certainly to conclude that we were about to know the whole truth—that we were about to have conveyed to us, with all the precision of Mr. Locke, the full extent of the demands of the Dissenters, the hon. member exclaims—"What we demand is liberty—absolute liberty—just and true liberty—equal and impartial liberty." Now, I am left—after the hon. member's earnest effort, with the aid of Mr. Locke, to be explicit—in precisely the same position, with regard to the views of the Dissenters, in which I was before the hon. member made his declaration. I can understand the member for Leeds; his avowal is manly and intelligible; but if I were asked to prescribe the mode in which the demand of the Dissenters may be made in the most loose and vague manner, I would advise the adoption of the course taken by the member for Boston—I would call for "just and true liberty, equal and impartial liberty," reserving to myself the right to judge in what that "just, and true, and equal, and impartial liberty" might consist. Whatever be the difference in our opinions, in this position I apprehend we shall all agree, that before we take the first step in a matter of this importance, we ought to consider whether it will lead? The present petition asks that Dissenters may be admitted to degrees in the Universities. My right hon. friend, the member for Cambridge, says, that he will abide by this petition, and in the most marked manner says, he will not advance one step beyond the prayer of it. The noble lord opposite says, that he will concede to Dissenters the privilege of degrees, but that he would consider a claim beyond degrees equally extravagant with a claim to be appointed to a living, or any ecclesiastical preferment. Now, let us consider whether you can, consistently with your own principles, stop where the petition stops? We are to admit Dissenters to take degrees at the Universities. The noble lord contends, that it is the greatest hardship that they should be excluded from degrees after they have manifested the talents and good conduct which are to be inferred from the grant of a degree. Does the noble lord see no hardship, also, in inviting the Dissenters to the University—in opening to them the wide field of competition, and in then telling them, "Whatever be the superiority you may have exhibited—whatever be the distinctions you may have acquired—you must be content with the barren privilege of a degree; to you no office in the University, either of influence or emolument, is opened;—all fellowships, all scholarships, every thing of profit that might aid you in early education, or in the misfortunes of after-life, is reserved for another and a more favoured class?" I ask you to consider, and to consider now, whether you are taking a position which you can maintain? You are required to confer on the Dissenter an inalienable right to

be admitted to education in the Universities, without condition or limitation, and also to the privilege of taking degrees. Having taken their degrees, the Dissenters will become a part of the governing body of the University, qualified to vote on all matters relating to the University, as all other masters of arts are qualified. You will have thus introduced into the governing body a powerful party—a small minority, perhaps, but a very active one—having no interest in common with the rest of the University; excluded from every lucrative office—from every appointment of influence or of honour, and banded together by a sense of inferiority and degradation. What was the answer made to those who professed a willingness to admit the Roman Catholics to seats in parliament, but would exclude them from the high offices of the state? It was this:—"No; we will not have a body in the state, intrusted with the functions of legislation, but cut off from the hopes of royal favour—wielding all the energies of popular representation, and with those energies uncontrolled by the ambition of official preferment and distinction. This is the way to make privileges dangerous to the institutions that have conferred them—to give a premium upon discontent and disaffection, at the very moment you are conferring power." Has this answer no application to the present case? But, apart from this consideration, on what principle, after you shall have conferred the absolute right to admission and to degrees, will you maintain a continued exclusion from all the substantial benefits of the University? I am not speaking of ecclesiastical preferments, or of appointments which infer in the holder a spiritual character; but I am speaking of all those appointments and offices which are tenable by laymen. Is the Dissenter excluded from the great majority of these, at the present moment, by any impediment, differing in its origin and character from that impediment which prevents his taking a degree, and which it is now proposed to remove by the authority of parliament? Does the disqualification of the Dissenter, in regard to lay offices, arise from the will of the founder?—does it arise from the original conditions of the foundation?—or does it arise from some statute or regulation imposed by an extrinsic authority? If from the latter, how will you, on your principles, continue it? Are there not fellowships in several of the colleges which are lay-fellowships? May not a member of Trinity College hold even an ecclesiastical fellowship for several years before he is required to take orders? [Mr. Pryme: Yes, if he subscribes the articles.] Subscribes the articles!—but I am asking you on what principle is it that you will maintain the articles as a test for lay-fellowships, when you have abandoned them as a test for degrees? But there are scholarships as well as fellowships. Will you, or will you not, admit the Dissenters to scholarships? [Viscount Palmerston: Why not?] The noble lord says, "Why not?" He feels so strongly the force of the argument—that if the Dissenters are admitted to degrees, you cannot exclude them from the other benefits and emoluments of the institution, of which they will thus become members—that he at once concedes the further privilege of being admitted to scholarships. Will he stop there? Even if he do, I say, he abandons the ground taken in this petition—he abandons the ground on which the member for Cambridge, and the Secretary for the Colonies, profess to take their stand. If the petition means any thing, it means, that the privilege of the Dissenter shall be limited to the degree, and that he shall not be admitted on the foundation of the respective colleges. I contend, on the other hand—and the noble lord now seems to agree with me—that the first concession involves the remainder—that it establishes a principle which cannot be limited to the taking of degrees—that it is a concession which will ultimately give no satisfaction—that it will, indeed, serve as an instrument by which other objects may be achieved, but that the interval will be an interval of struggle and discord;—at the end of which you will discover, that you have healed the wound of the people slightly—that you cried peace, peace, where there was no peace. My argument is, not that you should reject a reasonable demand, for fear that an unreasonable one should follow; but I contend that the concession in this case of the first demand, will alter the character of the other demands, and, through the establishment of a novel principle, will make those demands reasonable which you now consider unreasonable. I say now, as I said with respect to the repeal of the Test and Corporation Acts, and of the Roman Catholic disabling statutes, "There is no benefit in partial concessions which involve a principle upon which other concessions may justly be required;" and on that ground I voted in each case, when further

resistance became unavailing, for a full and entire measure of relief. Into the effect of this concession upon the discipline of the University, I feel that it is too late to enter. The noble lord says, it can have no prejudicial effect in Cambridge, for that Dissenters are at present admitted as under-graduates. Now, there never was a greater fallacy than that involved in the argument—that because no inconvenience has followed from the occasional admission of Dissenters into a few colleges, wherein they conform to the established discipline, therefore no inconvenience will follow from their indiscriminate admission to degrees, as well as to education:—that admission being claimable as a right, conferred by an act of the legislature. A new code of regulations must be framed. Are the Universities to continue the great schools of religious instruction in the tenets of the Church of England? Is attendance on divine worship to be a necessary part of the system of education? If it is so to continue, are the Dissenters to attend divine worship according to the rites of the Church, or to be released from the obligation of attending? Are they to be present at lectures explaining and defending the doctrines of the Church; or is religious instruction to be abandoned as an indispensable portion at least of academic education? Says the learned professor, the member for Cambridge—"Let the Dissenters attend the lectures on theology; but then the lectures need not be of a controversial character." Oh! spare us, at least, from this humiliation! Let us have no lecturer in divinity, shrinking from the maintenance of divine truth, ashamed to defend the doctrines of his faith, out of courtesy to the feelings of his Unitarian or Roman Catholic hearers—out of apprehension that some dissenting student may claim, in the lecture-room, the right of free discussion—the right of vindicating his own tenets from the misapprehension of the learned professor. I know that I must, on account of the hour, conclude; and I will conclude with this single remark, that if you intend to compel the Dissenter to observe the religious discipline of the University, you are cheating him by the semblance of a privilege of which he cannot avail himself; if, on the other hand, you waive the religious discipline out of deference to his scruples, you divest the Universities of their present character as schools of religious instruction, and sever the strongest of all the links which connect the Church of England with the state.

It being three o'clock the Speaker left the Chair, and the debate was again adjourned.

SUPPLY—MISCELLANEOUS ESTIMATES.

APRIL 14, 1834.

The House went into a Committee of Supply.

On the question, that the sum of £11,550 be granted for the purchase of pictures for the National Gallery for the year 1834,—

Mr. Spring Rice stated, in reply to a remark by Mr. Warburton, that an arrangement had been entered into with the Royal Academy, that they should obtain the use of rooms in the National Gallery; but, if the resumption of these apartments became desirable, the Academy should resign them.

SIR ROBERT PEEL was anxious to say one word in support of the Royal Academy. He did not dispute the right of the public to take the apartments in question from the Royal Academy, should the number of pictures in the National Gallery be so increased as to render it desirable to do so; but if the Royal Academy were deprived of the apartments in question, the members of that body would have a strong claim for rooms elsewhere. It ought to be recollected that they were to be divested of valuable rooms which they held at Somerset House, and which were hereafter to be devoted to the public service. So far, therefore, ought there to be a deduction from the estimated expense of the building now erecting; and if the whole of the building should be required for a National Gallery, the least that ought to be done would be, to provide apartments for the Royal Academy in some other public building. He believed that the number of pictures in the National Gallery would be greatly increased by presents, and he trusted that ere long the building would be filled with them. He gave his cordial support to the vote, and believed that nothing would be

more hailed by the public than grants of money for such purposes as the present. The public had already gained much by the purchase of pictures for the National Gallery, and he had no doubt that many other valuable presents would be made to it. He happened to have some knowledge of the pictures in question, and he could state that a sum much larger than £11,500 had been offered for them a few years ago. He did not think that it was necessary for him to say any thing with respect to the high character of these pictures; it was enough to observe, that gentlemen possessed of valuable pictures would be proud to exhibit them in a collection in which were such pictures as those it was proposed to purchase. He would venture to say, that there were hardly twenty pictures of a higher character in the world. By purchasing works of this description, individuals would be induced to make presents to the gallery, which would thus become possessed of a superior collection. With a view to obtain the best information as to their value, the opinions of the artists of the highest character in the country were consulted, as well as those of picture-dealers, and other persons well acquainted with pictures; and, in addition, he happened to know, that if the purchase had not been made when it was, not many months would have elapsed before the pictures would have been sent out of the country. He most cordially concurred in the vote, and nothing could be more satisfactory to his mind than the liberal spirit that had been displayed by the House and the government on the occasion.

The vote was agreed to, as were several others, without a debate.

COMMUTATION OF TITHES (ENGLAND).

APRIL 15, 1834.

Lord Althorp moved the Order of the Day, that the House do resolve itself into a Committee of the whole House, to consider the resolutions of which he had given notice.

The House having gone into Committee—

The noble lord, after taking a concise and comprehensive view of the evils and hardships attending the present tithe system, concluded by moving:—"1, That it is the opinion of this committee, that the collection of tithes in England and Wales shall cease and determine. That, instead of tithes, the owners of tithe-land shall pay a fixed proportion to the annual value thereof to the tithe-owner; and that such proportion shall be ascertained in the several counties. 2, That all parties liable to such tithe, may redeem the same by the payment of a sum of money equal to twenty-five years' purchase."

SIR ROBERT PEEL did not understand what power the noble lord had to release him from the obligation he should incur, provided he assented to the resolutions. The noble lord proposed, that, in lieu of tithes, the owners of titheable land should pay a fixed proportion of the annual value of all land throughout the several counties, and that the said proportion should be ascertained by striking an average from the parishes of each county. How could the noble lord say, that if he voted for that resolution, he was not as much bound by it as by any other resolution to which he gave his assent? By affirming it, he expressed his approbation of the principles contained in it—namely, that a commutation of tithes ought to take place, calculated according to the proportionate value which rent and tithe bear to each other, and also that the redemption of tithe should be permitted at twenty five years' purchase. If this resolution were not intended to bind the House, why insert in it any details at all? He would propose, as an amendment, that, instead of the noble lord's proposition, a simple resolution be adopted, declaring it expedient that leave be given to bring in a bill for the purpose of effecting a commutation of tithe in England and Wales on a fair and equitable principle. What was gained by affirming this resolution as a matter of detail? But, independent of this objection, the noble lord had drawn up his resolution so vaguely, that, in point of fact, it would accomplish nothing at all. The noble lord proposed, that the proportionate value of tithe to land should be ascertained in the different counties of England and Wales: the noble lord also proposed, that a county should be a distinct territory with respect

to tithes; and having ascertained the proportionate value that tithe bears to rent on the average in each county, the noble lord proposed that that average should be applied to every parish and every estate throughout the county. Yet this principle, which the noble lord was desirous of establishing, was in no way affirmed by the resolution before the committee. Why, then, enter into details at all in this resolution, unless it was meant to be contended, that the resolutions passed by the House of Commons were to be considered mere waste paper? If the noble lord said, the House was not bound by this resolution, he said what was not the fact. The noble lord had thought proper, after six months' consideration, to abandon the bill introduced last session for the purpose of facilitating the commutation of tithes; and could the noble lord, with any decency, call on him to give his assent at once to the principles of this resolution? Before any one could feel justified in affirming this resolution, there were several points that required much consideration. In the first place, what connection was there between the payment of tithe and the territorial division of this kingdom into counties? He would venture to assert, that the practice as to the payment of tithe, would be found to vary not only in different counties, but in different parishes in the same county. In some counties the proportion which tithe bears to the value of the land, or the rent of it, was much greater than in others. In Devonshire and Kent, for instance, the proportion which tithe bears to the value of land was much larger than in any other counties in England; but the effect of the noble lord's plan would be to affix the proportion in those counties for ever. The noble lord had slightly touched on moduses, and he could easily understand that, with respect to fixed payments, such as modus or composition, it might be possible to make some satisfactory arrangement. The noble lord, however, had said nothing as to the distinction between great and small tithes. Was the land now subject to small tithes within a particular county, to pay its contribution hereafter on the average of the land subject to great tithes? Take the case of two adjoining parishes—the one subject to the payment of great tithes, the other to the payment of small tithes—in what way would those two parishes hereafter contribute to the tithe-owner? Again, how did the noble lord propose to deal with those cases where the title to tithe might be contested? Suppose a question to arise as to whether milk be subject to tithe, in what way would it be decided? The noble lord said, that the sum the clergy were hereafter to receive should not be subject to poor-rates; at the same time it might be invested in the purchase of land; on the same principle, the land purchased for the Church ought also to be exempted from the payment of poor-rates. Under these circumstances would there not be great difficulty in regulating the purchases; for it would be the interest of the Church to buy the land subject to the heaviest poor-rates; and would there be no difficulty in giving to the Church the possession of land now subject to poor-rates, but which, on being transferred to the Church, would be exempted from poor-rates? These were points which ought to be cleared up before any hon. member was called on to affirm the principles contained in the resolutions. He agreed with his hon. friend, the member for Essex, that it did not become the House to be too critical in examining the plan of the noble lord, or to reject it at once because it might appear complicated; but let not the noble lord bind any man by a resolution proposed to the House of Commons, for the first time, at nearly the hour of midnight; let there be a short interval to consider the principles contained in the resolution. He heartily wished that the proposition of the noble lord might be received with satisfaction out of doors; but while he was anxious to come to a settlement of the question as speedily as possible, they should strive to the uttermost to prevent the arrangement being productive of any new mischiefs. He thought, that the noble lord had a great deal too much under-rated the value of a voluntary settlement; and if it were once affirmed that there should be within each county an ecclesiastical corporation, with a bishop at the head of it, to receive money as an equivalent for tithe, that would give great facilities for a voluntary commutation of tithe, between the tithe-payer and the tithe-owner. If the government would only assure parties that they should not be subject to any expensive litigation—if they appointed persons of honour and character as fair arbitrators, who should deal not with counties but with individual parishes, and attempt to effect an amicable arrangement; giving the power of redemption at a certain number of years, the precise term to be left to the parties themselves; the

bishop taking care to watch over the interests of the Church, the incumbent and the tithe-payer taking care of their own interests—there would be facilities for a voluntary arrangement, which would tend more to a final settlement of this great question than the bill which the noble lord intended to introduce. It was not his wish to say any thing to prejudice the proposition of the noble lord; all he asked was, not to be required to give his assent to the resolutions before he had been allowed time to consider them.

At a subsequent period of the debate,

Sir Robert Peel suggested to the noble lord, whether it would not be possible that some new principle of voluntary arrangement might be introduced. Unless it were previously determined by which party the expenses attending such an arrangement were to be paid, it would not make much progress. In so important a business as this, however, it would be no difficult matter to provide some means of preventing the inconvenience. If commissioners were appointed, with power to call before them the parties interested, they might enable them to enter into voluntary arrangements for commutation, with a power of future redemption. It appeared to him, that a great progress might be made in commutation in this way, if a majority of parishioners should agree to it. The decision of that majority might be made binding on the rest of the parishioners, particularly if the minority was a small one. Did the noble lord hope that he would be able to pass any bill in the present session? Last session he seemed to be of opinion that he would be able to get through a similar measure, but he did not. Now, if he could not carry it through in the present session, he would recommend that another year should not be allowed to pass without trying what might be done by voluntary arrangements.

In reply to a question by Sir Thomas Freemantle,

Lord Althorp stated that the composition would be made according to a fair valuation; and in all cases in which the tithe-owner did not think there was a fair valuation of the land, he might demand a new and fair valuation to be made, but at his own expense.

Sir Robert Peel would suppose, that a rapid rise took place in the value of land, in consequence of the neighbourhood of an extending town, or the construction of a railway. He would suppose, that an acre of land now valued at 40s. was raised in value to £40 for building on, or other purposes—would tithes increase in the same proportion?

Lord Althorp: Rent was not a fair test of the value of land; and, in such cases as that just mentioned, tithe should undergo a new valuation.

An amended resolution, embodying the suggestions of Sir Robert Peel, was then put and agreed to, and leave given to bring in a bill founded on the same.

ORDER OF THE BATH.

APRIL 18, 1834.

The House, on the motion of Mr. Secretary Stanley, resolved itself into a Committee, on the message from the King respecting the fees, &c., paid on the admission of Knights to the military Order of the Bath.

The Chairman having read the message—

Mr. Secretary Stanley, after pointing out the ridiculous nature of some of the fees, such, for instance, as £6 to the King's barber, and showing that the aggregate amount of fees payable for admission into this Order was not less than £300, concluded by moving,—“That it is the opinion of this committee, that the commissioners of his Majesty's Treasury be authorized to make compensation, out of the consolidated fund of the United Kingdom of Great Britain and Ireland, to such officers of the military Order of the Bath as shall be deprived of salaries and fees to which they are entitled under the existing regulations and the statutes.”

SIR ROBERT PEEL was of opinion, that all military and naval officers upon whom the Order of the Bath might be conferred for their services, ought to be exempted from the payment of any fees. He, at the same time, thought that, both on the prin-

ciple of equity, as well as the uniform practice of the House, any officers of that Order who had any legal claims to fees or emoluments should be indemnified for any loss arising from their abolition. He did not remember the precise terms of the motion before the House; but if its design were to relieve meritorious officers from the payment of fees on receiving the distinction in question, and, at the same time, to indemnify those who held patent offices, he could not see any objection to its adoption. Of course, the legality of the claims to fees, &c., must be established; and he doubted whether the public departments could not make that and every similar enquiry more efficiently than a select committee of the House itself. He rose, however, on the present occasion, for the purpose of noticing a suggestion thrown out by the hon. member for Middlesex, Mr. Hume, which had quite as much surprised him as it had the right hon. gentleman, the Secretary for the Colonies. The hon. member had suggested the propriety of instituting a new Order, for the purpose of rewarding literary and scientific men. The prerogative was already vested in the Crown to confer honours upon persons distinguished for their high literary and scientific attainments, and that power had recently been exercised by the conferring distinctions upon individuals of various professions. The establishment of a new Order would depreciate the honours which it was at present in the power of the Crown to confer, and was not in the least calculated to raise the character of this country for literary and scientific acquirements. The hon. member for Middlesex could not think that it was essential to the character of Sir Isaac Newton, that he should have appeared in a blue or red ribbon, or worn the star of any Order. If such an Order were established as that suggested by the hon. member, it was not improbable many hon. members of that House might lay claim to such a reward for their public services. An Order of the nature proposed would but ill accord with the English character, and with the elevated character of science, which it would only tend to make ridiculous. There was a clear distinction to be drawn between meritorious military and naval services, and literary and scientific acquirements. He hoped and trusted the suggestion of the hon. member for Middlesex would never be carried into effect.

After a short discussion the resolution was agreed to, and the House resumed.

HERTFORD BOROUGH.

APRIL 21, 1834.

Mr. Bernal having moved the third reading of the Hertford Borough Bill—

Colonel Evans moved, as an amendment, "That a Select Committee be appointed to consider the expediency of making a new boundary for the borough of Hertford."

SIR ROBERT PEEL did not intend to support the amendment of the gallant colonel, but thought that some advantage might result if he proceeded to state the course he intended to pursue, and the nature of the amendment he intended to propose. The House had better know, before they came to a decision on the present amendment, that other propositions would be submitted to them with respect to that bill. He particularly requested the attention of the House and of his Majesty's government to the question now to be decided. His Majesty's government did not, on former occasions, express any opinion on the judicial question connected with that case, because they did not wish to influence the question by the expression of their opinions, or by the exercise of their influence, but to leave the matter to the decision of the House. That state of things had ceased, and they were now called upon to decide on the general question, and he begged their attention to the statement he was about to make. He agreed in much that had been said by the gallant colonel; and, although he could not vote for the motion of the gallant officer, the gallant officer might vote, with the greatest consistency, for the proposition which it was his intention to submit to the House. If his proposition went to exempt the guilty from punishment, there might be a strong objection to it; but he had no such intention. He was opposed to referring the matter to the consideration of another committee; because, in point of fact, it would be postponing the matter to another session, when probably the House would be engaged in other business of great importance, and

thus the details of the subject would be forgotten, and Hertford would be left as it was, and those who had been guilty of corruption would escape punishment. What he desired was, that an example should be made in that case. From the large attendance of members, he was sure that many hon. gentlemen were present who knew comparatively little of the nature of the question. He would therefore proceed to state, very briefly, the nature of the case. The borough of Hertford had its boundaries extended upon the recommendation of the commissioners who fixed the boundaries under the Reform Bill. They determined a new boundary for the borough; and his proposition was, that the House should respect the boundary then fixed for the borough. Why reverse that decision, which had some presumption in its favour? The bill, however, proposed to add a large contiguous district to the town, and annex a rural population to the county town. He was convinced, that the best mode of establishing the influence of the agricultural or landed interest in the borough would be by adding the proposed district to the town. It was very possible that a great portion of the town was in very few hands; but it was of the greatest importance that the townholders should not have land in the adjoining districts. He did not think that any one would dispute the advantage that would result to those who had property in the neighbourhood by the proposed change. The adoption of the principle would, in point of fact, make the borough purely agricultural; it would cease to have the characteristics of a borough, and would become a little county. He begged the House to recollect that it was proposed to give that addition to the county of Hertford which was purely agricultural. The members for the borough would be returned by the same influence as the county members. The effect would therefore be, to give this agricultural county five members, three for the county, and two for the large agricultural district. He objected to destroying the character of the constituency; and his votes in the committee on the Reform Bill showed, that he did not think that the influence of agriculture should be increased by adding large rural districts to the boroughs. If they wanted to destroy the balance which existed between the commercial and manufacturing and the landed interests in that House, he knew no readier mode of doing so than by throwing into the boroughs large surrounding districts. The borough of Hertford had three classes of voters. The first class was the inhabitant housekeepers; this class of voters was between 300 and 400 in number. It was sufficient to pay scot-and-lot to constitute the right of voting. This class of voters, amounting to between 300 and 400, together with the freemen, constituted the old constituency of the borough. The freemen were less than 130; he believed 124 or 125. Then there were the £10 householders, which was the constituency added by the Reform Bill. A committee of that House had been appointed to examine into the course of conduct pursued by these three classes of voters at the last election. With respect to those called the scot-and-lot voters—although that was not the exact name which should be applied to them, as they ought rather to be called the class of voters occupying houses under £10—the committee reported an almost unqualified condemnation of their conduct, saying, that such general corruption prevailed amongst them at the last election that they ought to be disfranchised. Those who supported the bill were anxious to punish the corrupt voters. He also agreed that those who had been guilty of corruption should be punished; but he begged the House to recollect, that there were two other classes of voters, namely, the freemen and the £10 householders. The committee, the report of which he was about to refer to, was presided over by the hon. and learned member for Rochester, in whom the House had so much confidence as to make him as it were their deputy speaker, as he presided over their proceedings while in committees of the whole House. The committee on the Hertford election had, he believed, every desire to arrive at the truth, and to act with the utmost impartiality; and that impartial tribunal made this report to the House on the conduct of the freemen and the £10 householders. “On the other hand, your committee have not been able to discover that the general body of freemen or the £10 householders, except perhaps in some few cases, have been at all affected by or concerned in corrupt practices.” That was as complete an acquittal as could possibly be pronounced by this impartial tribunal. They acquitted the whole of the freemen and £10 householders, with the exception that he had stated, of indulging in corruption. Surely the noble lord, the paymaster of the forces, should be gratified that the new constituency which he had given to the

borough by the Reform Bill had passed through the ordeal with impunity. They had seen the general prevalence of corruption amongst one class of voters, and, although inducements were held out to them, they escaped without imputation. Their integrity being proved, he called upon the noble lord to protect them. Now, what was the number of these untainted voters? On the next election not less than 500 voters, if the corrupt voters were disfranchised and the boundary of the borough not extended, would exist in the borough. There would be 124 freemen, and the remainder would be £10 householders; just such a constituency as the noble lord (Lord John Russell) contemplated, as the final and permanent constituency for the borough of Hertford. They all agreed to shake of the guilty class of voters; but he trusted that the House, seeing that there was a sufficient constituency left, would consent to leave the borough as he proposed. It should be recollected that the class of freemen would gradually die off, and the election would then be in the single class of £10 householders. Now there was little doubt that, if the boundaries of the borough were not enlarged, the number of the latter class of voters would be at least 500. He (Sir Robert Peel) would ask the House to compare this with other towns, and to recollect that there were not less than thirty boroughs left untouched by the Reform Bill, and having fewer voters than Hertford. There were 500 voters in Hertford who were qualified under the Reform Bill. They had been exposed to temptation, and had passed through the trial without a stain. They, therefore, stood on higher ground than untainted voters; they, therefore, ought to have the franchise intrusted to them. The charges against them had been submitted to a severe tribunal, which thoroughly investigated the matter, and acquitted them. He, therefore, put it to the House, with confidence, to say upon what principle they ought to be punished. He did not wish to enter into any details on the subject; but he was extremely anxious to state to the House the real question under consideration. It was not a judicial but a political question, and he trusted that the House would only regard it in that light. Under the Reform Bill, the boundaries of the borough of Hertford had been fixed; and as no charge had been proved against the permanent constituency of the borough, therefore there could be no necessity for the large addition to the borough. He was satisfied that the hon. and learned gentleman was proceeding on an erroneous principle; and he begged the House to recollect the objections that existed against making the smaller boroughs, as it were, agricultural districts. He trusted, after what he had said, that he should induce the House to adopt his proposition. He entirely concurred in the proposition to punish the guilty, but it would make the measure more generally acceptable to the country if they excepted the innocent from punishment. The amendment he should propose was, that the remainder of the bill, after the first clause, should be struck out. He should not then press his amendment, but he intended to do so that evening. He repeated, he was as anxious as any one to punish the guilty; and if they did so they would leave the borough of Hertford with a constituency of not less than 634 persons, who had been put to their trial and found to be incorrupt.

Colonel Evans having withdrawn his amendment, Sir Robert Peel moved the omission of the second clause, with a view to omit the remainder of the bill.

On this motion the House divided:—Ayes, 109; Noes, 143; Majority against the motion 34.

The bill was then read a third time and passed.

REPEAL OF THE UNION.

APRIL 25, 1834.

In the adjourned debate on Mr. O'Connell's motion,—“That a Select Committee be appointed to enquire and report on the means by which the dissolution of the Parliament of Ireland was effected; on the effects of that measure upon Ireland; and on the probable consequences of continuing the legislative Union between both countries.”

SIR ROBERT PEEL, on the fourth night of the debate, spoke to the following effect:—Mr. Speaker, I am most desirous to consult the general wish and general conveniences

of the House. To myself it is a matter of entire indifference whether I speak now, or at a future period, if the House shall prefer an adjournment of the debate. [Cries of "Go on."] My own opinion is certainly in favour of proceeding at present, in order that we may make some effective progress in a discussion which has already continued for four days. And if, Sir, it should continue for thrice that period, and if ingenuity, if research, if eloquence, greater in a tenfold degree than that which has already signalized this debate, should be brought to bear upon its future stages, they would add nothing to the force of that conviction which compels my support of the legislative Union. There are truths which lie too deep for argument; truths, to the establishment of which, the evidence of the senses, or the feelings of the heart, have contributed more than the slow process of reasoning; which are graven in deeper characters than any that reasoning can either impress or efface. When Dr. Johnson was asked to refute the arguments for the non-existence of matter, he stamped his foot upon the ground, and exclaimed, "I refute them thus." When Mr. Canning heard the first whisper in this House of a Repeal of the Union, this was all the answer he vouchsafed—the eloquent and indignant answer, the tones of which are still familiar to my ear,—“Repeal the Union! Restore the Heptarchy!” Did Mr. Canning decline to argue with the proposer of Repeal from the lack of argument? No: but because conviction of the folly of the proposal flashed upon his mind with an instinctive force, which required a more rapid vent than any that the tame and tardy processes of reasoning could supply. He overleaped the barriers of cautious demonstration to arrive at the great truth with which his emphatic exclamation was pregnant; that the Repeal of the Union with Ireland was tantamount to the dissolution of the British Empire; that it could only be assented to upon principles which resolved society into its first elements.

I repeat, that I want no array of figures, I want no official documents, I want no speeches of six hours, to establish to my satisfaction the public policy of maintaining the legislative Union. I feel and know that the repeal of it must lead to the dismemberment of this great empire; must make Great Britain a fourth-rate power of Europe, and Ireland a savage wilderness; and I will give, therefore, at once, and without hesitation, an emphatic negative to the motion for Repeal. At the same time, I entirely approve of the course which has been taken by those who have led the opposition to the learned member's (Mr. O'Connell's) proposal. I rejoice that it should have been intrusted to two natives of Ireland (Mr. Spring Rice and Mr. Emerson Tennent) to correct the mis-statements, to expose the fallacies, of the learned member,—to demonstrate, by proofs that have been unassailed, and are unassailable, that whatever there is of Irish prosperity is mainly attributable to the Union, that the policy of the united parliament towards Ireland has been just and liberal, and that the common interests of the whole empire, but especially the interests of Ireland, forbid us to impair the Union. I rejoice, also, that a member from Scotland (Sir D. Sandford), deeply impressed with the benefits that country has derived from her connexion with England, and enabled to bear the most recent testimony to the progressive increase of those benefits, has contributed his very able exertions to the common cause. It is right that the force of demonstration should be resorted to for the satisfaction of those (if any there be) who entertain an honest doubt upon this subject, and that posterity should have upon record the overwhelming proofs by which the policy, the absolute necessity, of maintaining inviolate the legislative Union, have been triumphantly established.

The conviction in favour of that Union springs from every source from which conviction in the human mind can arise. Consult your senses,—consult your feelings,—consult reason, history, and experience; they all concur in enforcing the same truth.

Consult your senses. Look at the map. Look at the geographical position of the British Islands, their relative position to the Peninsula, to France, to that great empire which is rising in the West on the opposite shores of the Atlantic; can you entertain a doubt that it is necessary for their common security, that the defensive energies of these Islands should be placed under the control and direction, not of one executive, liable to be thwarted by the conflicting decisions of different legislative councils, but of one united, superintending, supreme authority, representing the general will, and provident of the general safety? Do not you feel convinced, by the evidence of sense, that there exists an obstacle to Repeal, more powerful than any

that mere argument can suggest? *Opposuit natura*. There is a physical necessity that forbids Repeal.

I beg pardon of the learned gentleman (Mr. Sheil) for having been so long diverted from any direct reference to his very able and very entertaining speech. Three-fourths of it, at the least, require no notice from me; but to the remainder, to all that portion of it that contained an argument, or the semblance of an argument bearing on the question of Repeal, I will address myself fully. I pass by his vindication of the learned member for Dublin—I pass by his attacks on his Majesty's government—his quotation from former speeches of the member for Cambridge (Mr. Rice)—all, in short, that consists of mere *argumenta ad hominem* of which I personally do not feel the force, and in the reply to which I am not in the least concerned. It may be true that the Reform Bill was carried by menace: it may be true that the deliberations of the House of Lords were controlled by the demonstration of physical force, not discouraged by the king's ministry: but if this be so, let the vile precedent be to us a warning and not an example—a warning that we do not permit the occasional to grow into an habitual degrading restraint.

I shall proceed now to review the arguments which have been adduced in support of the motion; for, Sir, however needless argument may be for the confirmation of my own impressions, I am little desirous of shrinking from the appeal to reason, or from the closest examination into the value of any thing that has been urged in favour of Repeal. I will notice, as I proceed, the several arguments of the learned gentleman (Mr. Sheil). My main object will be to show, that of the various charges preferred against England, some are without foundation; and that there is not one, which, even if clearly established in point of fact, could be relied on as a reason for Repeal. I shall next attempt to demonstrate, both from history and from strict logical proof, that two legislatures, really independent, cannot co-exist in England and Ireland, consistently with the maintenance of a common monarchy, and with a friendly connexion between the two countries.

I will first dispose of the predictions of the learned gentleman (Mr. Sheil). He appeared here in the character of a prophet as well as a reasoner; and, with a confidence which I shall show to be misplaced, he claimed credit for the probable truth of his present, by a triumphant reference to the fulfilment of all his former predictions. He says that nothing has been done for Ireland; that every engagement remains unperformed; that unless we relinquish tithes, and still further reduce the Church Establishment, we must abandon all hope of conciliating the people—meaning, I presume, the Roman Catholic—of Ireland. Sir, I will do any thing to conciliate any portion of the people of Ireland, that is just towards them, just also towards others. But, alas! we have had many warnings, that conciliation and peace are not the necessary results of concession and of intended kindness. The learned gentleman has referred, in very courteous and very flattering terms, to the sacrifices which I personally made in restoring the Roman Catholics to complete political equality. I claim no credit for those sacrifices—I was a servant of the Crown, and undertook office under the implied obligation to submit cheerfully to such sacrifices, should they be inevitable. I did nothing more than my duty, in giving to the Crown that advice which I thought the best according to the exigencies of public affairs, and in not shrinking from the personal responsibility and personal sacrifices of acting upon that advice, when the Crown commanded my services. If, indeed, I did make sacrifices, how must they now be aggravated when I find every hope of peace disappointed, every promise of grateful acknowledgment violated by the parties who gave them? What right has the learned gentleman to call upon me to confide in his present prophecies, in his present assurances, that certain further concessions being made, there will be peaceful obedience to the law in Ireland? I summon the learned gentleman as a witness against himself. In 1825 he was called on to give evidence before the committee that was appointed, in that year, to consider the state of Ireland. Upon that occasion the following question was put to him:—"Do you think, in case the general question of Catholic emancipation were settled by parliament, there would be a power existing in any individual to get public assemblies together, and to create a combined operation in Ireland?" His reply, the reply of Mr. Sheil, was as follows:—"I am convinced that it would not be in the power of any individual, no matter how great his influence might be, nor no matter how perverse his ambition might be, to draw large conve-

cations of men together in Ireland ; nothing but the sense of individual injury produces these great and systematic gatherings, through the medium of which so much inflammatory matter is conveyed through the country." But the hon. and learned gentleman did not stop here. He did not content himself with this simple and satisfactory answer to the question put to him ; so impressed was he with the necessity of establishing the fact, that the Roman Catholic body in Ireland would be perfectly contented with the removal of their political disabilities, that he proceeded in his reply to volunteer the following statement, on a subject which was happily selected by himself for the purpose of illustration :—" Let me take," he continued, " the question of the Union, for example : there are many who suppose that if the Catholic question were to be satisfactorily arranged, the merits of the Union would be discussed ; but I am convinced that if the Catholic question were settled, a great body of the population, so far from being dissatisfied, would be perfectly contented with the Union, or be indifferent to it. Whenever any mention is made in a Roman Catholic assembly of the evils of that measure, it is made for the purpose of rhetorical excitement, and not with any serious view upon the part of the speaker to disturb that which, in my humble judgment, is perfectly indissoluble. In answer to the question I beg to add this, that I am perfectly convinced that neither upon tithes, nor the Union, nor any other political subject, could the people of Ireland be powerfully and permanently excited." Then I turn round upon the hon. and learned member who gave this evidence, and I ask him, How can you refuse to vote for the present resolution ? Where are your objections to that resolution, the principle of which you so strenuously maintained in 1825 ? How comes it that you hold us to be wrong for asserting now the opinion that you yourself asserted then ? And mark the difference of circumstances. You were then, in 1825, an excluded Catholic, suffering under what you considered an injustice, and yet even then you declared that the British empire should not be dismembered, for that the Union was perfectly indissoluble. What events have occurred since 1825 to justify your retraction of the opinion that you then expressed ? Since that period the Catholic disabilities have been removed, and yourself have boasted this very night, that at the present moment there are thirty Catholic representatives speaking within these walls the sense of the Roman Catholic people of Ireland. What pretence, then, is there now for continuing to sport with the peace and happiness of Ireland, without " having any serious view," and for the " purpose of rhetorical excitement ?"

Let us review, in order, the several accusations against Great Britain. The first is a charge of bad faith, or rather of express violation of the act of Union. The learned gentleman (Mr. Sheil) observes, that by that act it is provided, that the surplus of Irish revenue that may be left after paying the charge of the separate debt and establishment of Ireland, shall be appropriated to Irish objects, and expended in Ireland ; that it has not been so, but has been reserved and spent in England. Now, I answer, that there is no surplus ; there can be no surplus ; and that the act of Union makes no provision respecting the appropriation of a surplus under the present financial circumstances of the two countries. The act of Union did provide, that so long as Ireland contributed a certain proportion, namely, two-seventeenths, to the general expenses of the empire, in the event of there being a surplus after defraying the interest, sinking-fund, and separate charges to which Ireland was liable, that surplus should be applied either to the remission of taxes in Ireland, or to local purposes. But the act also provided expressly, that if parliament should declare that all future expenses, and the interest of the joint debts, shall be defrayed indiscriminately by a common contribution from taxes equally imposed on all parts of the empire, " that from the period of such declaration, it shall no longer be necessary to regulate the contribution of the two countries according to any specific proportion, or according to any of the rules hereinbefore described." The declaration in question has been made, and made, too, for the express benefit of Ireland ; and from the moment of making it, the existence of a surplus of Irish revenue became of course impossible.

The learned gentleman says, that, in contributing two-seventeenths, Ireland was subject to a burthen beyond her strength. Be it so ; but the burthen was imposed on Ireland by the Irish parliament, and was removed by the Imperial parliament, which redressed completely and for ever the unequal pressure. Surely the deduction

from these premises, that the Union ought to be repealed, and the Irish parliament reinstated, is not a very legitimate one. As for the sagacious remark of the learned member for Dublin, that two-seventeenths—the fractional proportions as he called them—were selected as the amount of contribution for Ireland, for the express purpose of puzzling and bewildering the people, and concealing from them the real amount of the charge imposed upon them, it is unworthy of any other comment than that it shows the sad extremity to which the learned gentleman must have been reduced for want of argument.

The learned gentleman says, that absenteeism is an admitted evil. No doubt; but the Repeal of the Union is not an admitted remedy for that evil. It existed before the Union. It certainly has existed, it may have increased since; and, if it has, what is the cause? That accursed system of agitation which has disturbed all the relations, and poisoned all the intercourse of society—which has prevented all application to the peaceful pursuits of industry, has barred the access of improvement from the introduction of English mechanical skill, and English capital—and has banished from his home many a friend to Ireland, disgusted with the rancour of this eternal strife. He is threatened with danger to his life if he resides, and with the forfeiture of his estate if he is absent; and then you wonder that men of property are not contented, and you complain that Ireland is not improved.

The learned gentleman says, that there is the greatest misery in Ireland at the very moment that the granaries are bursting with corn. Who denies the fact? But what connexion is there between the admitted fact and the conclusion the learned gentleman draws from it, that the Union ought to be repealed? The learned gentleman himself, in the course of his speech this night, dwelt upon the miserable condition of English labourers, and the horrors of an English workhouse. But surely there are in England warehouses groaning with manufactures, and granaries bursting with the produce of the land. There exist, then, in England, as well as in Ireland, the extremes of abundance and of want—the same unequal distribution of worldly goods of which the learned gentleman complains. Now, there must be causes for this, so far as England is concerned, totally independent of the Union. What right, then, has the learned gentleman to conclude that the same state of things in Ireland was either caused by the Union, or would be remedied by its Repeal?

It is said, that England misgoverned Ireland for centuries. I admit the fact. Misgovernment was the hard condition, twin-born with a separate legislature. Misgovernment constituted the vindication of the Union; and the certainty of its recurrence is the main argument against Repeal. But where was the object of the learned gentleman in hunting out the atrocities that were covered by the oblivion of five centuries, except to revive national animosities, and to provoke hatred against England, and English connexion? Is this the spirit in which that connexion is to be severed?—are these the auspices under which Ireland is to undertake the new duties of self-government? No doubt there were acts of violence, acts of injustice, acts of savage retaliation, during the long struggles in rude ages between the English settlers and the Irish natives, and between the hostile religious factions of later times. What concern have we with these things at the present time? We might, with just as much reason and good sense, detail all the acts of wrong and perfidy that followed the Norman conquest, and demand restitution of the invaders. One would suppose, from the tone and tenor of the learned gentleman's historical detail, that England, in the reign of Henry II. had found Ireland a happy and united country, enjoying, in a state of Arcadian simplicity, all the blessings of equal law and well-regulated liberty. Now, the state of society in Ireland may have been bad enough in the first periods of English connexion, but it was worse before. It is thus described by an ancient writer of Ireland, on this point an impartial and unexceptionable authority. He says, that "Never any nation upon earth anneared the Milesian Irish in the most unnatural, bloody, everlasting, destructive feuds that have been heard of—feuds so prodigiously bloody, that as they were first founded, so they still increased and continued in blood, from the foundation of the monarchy in the blood of Heber, to the murder of the penultimate monarch, Muirehiortah M'Neil. Feuds continued with the most hellish ambition, and followed with the most horrible injustices, oppressions, extortions, rapines, desolations, perfidiousness, treasons, rebellions, conspiracies, treacheries, and murders, for almost 2,000 years." He never read of any other

people in the world "so implacably, so eternally, set upon the destruction of one another." He tells you of "600 battles fought cruelly and unnaturally by men of the same country, lineage, language, and religious rites; and that 118 Irish monarchs were slaughtered by their own subjects, whereof ninety-four were murdered, and of them eighty-six were succeeded by the regicides, among which he finds one brother and one son." As Campion says, "If this be true, the Irish have much reason to thank God and the English for a more civil and regular government exercised over them."

I come to charges of a more recent date. The learned gentleman prefers against Mr. Pitt and Lord Castlereagh this atrocious and incredible accusation:—That they fomented the rebellion in Ireland, in order that they might have a pretext for proposing the Union; and that they might be enabled, by an immense military force, to overawe public opinion. I will examine this charge a little more in detail; not so much with a view to refute it, for that is unnecessary, as for the purpose of exhibiting the spirit in which it was conceived, and of exposing, by one example, the probable foundation of other similar accusations. The charge amounts to this:—That, in the years 1796 and 1797, two ministers of the Crown thought it useful for the public service to encourage a general rebellion in Ireland—that is to say, that during the most perilous crisis of the war, after the French successes in Italy, after the disasters of Austria, after the treaty of Campo Formio—notwithstanding the mutiny at the Nore, and the threatened invasion of Ireland, two ministers were found wicked enough, and mad enough, to take upon themselves the responsibility of deliberately provoking and fostering a rebellion in Ireland. This rebellion was to be the means of effecting a Union of Ireland with England, the real object of which Union the learned gentleman has also been fortunate enough to discover; and the end seems to be quite worthy of the means. The object was this: that England, whose financial resources began to fail, might dip her hand into the purse of Ireland; of that same Ireland, observe, which was first to be desolated by a bloody rebellion fomented by the country which coveted a share of her wealth.

The ground, the single ground, on which the learned gentleman preferred this accusation, was a paper which he found in the Appendix to a report from a Secret Committee in Ireland, which paper was furnished voluntarily to that committee by the very ministers whose guilt it is supposed to have established. It appears from that paper, that information was given from time to time by a person engaged in the conspiracy, to a magistrate in the north of Ireland, detailing the names of the leaders of the conspiracy, and the times and places at which they assembled. "The government, therefore," says the learned gentleman, "might at the outset have apprehended the leaders, thrown them into gaol, and crushed the incipient rebellion." Why, Sir, it is not always very easy to deal so summarily with leaders of conspiracies. Sometimes their professed objects are totally different from their real ones. These conspirators, in 1796 and 1797, in all their public declarations, framed on the most approved models, breathed nothing but the spirit of peace. Catholic Emancipation and Constitutional Reform were the avowed objects of the confederacy. Perhaps, too, they were fortunate enough to find, as other combinations have found in later times, skilful advisers, learned in the law, volunteering to act as their solicitors and counsel; and teaching them the precise extent to which they might adventure in defiance or evasion of the law, without endangering their own necks. It was, Sir, only on Monday last that this city witnessed the disciplined array of 25,000 or 30,000 men, marching in column through the streets of London for the professed object of simply presenting a petition to the Secretary of State. Three days preceding—one week only from the time when the learned gentleman asks for my consent to a measure which will establish his dominion in Ireland—he fortunately enabled me to judge in what manner and for what objects that dominion would be by him practically exercised.

On the occasion to which I refer, the hon. and learned gentleman stated, that he had been waited upon by a deputation from the Trades' Union. He said, "That their object was to call back the Dorset labourers; and he advised them to send such a petition to his Majesty to effect that object as would take a cart and six horses to convey it to the Palace. No man had a right to condemn Trades' Unions who was not prepared at the same time to give to the people the right of voting for their

representatives in parliament. The first step which they ought to take was to obtain that right." * * * * * The hon. and learned gentleman added, "That he was waited upon that day by a deputation from the Trades' Union, who requested him to act as their confidential counsel. He accepted the office on condition that they should accept his services gratuitously, and the hon. member for Colchester, who was present, had also consented to act as their solicitor; and they would both unite in teaching them to avoid the many traps which the law presented to ensnare them at every step they took. He (Mr. O'Connell) was an apostle of the *Movement* party, and a greater radical could not exist than the man before them. He advised those whom he addressed, not to mistake their power, or misdirect it. Let them keep their tempers, and wait their time. Let them act peaceably, legally, and consistently, but multitudinously; and, by prudence, caution, energy, and unremitting exertions, they would effect their object." Was it not probable that the same gentleman, "the great apostle of the *Movement* party," who so offered his services to Trades' Unions in this country, would in his own, on questions of still greater excitement, endeavour to control the opinions of the Irish legislature by a similar display of physical force, well organized, and instructed in what manner "they might best evade the traps which the law presented to ensnare them?"

But to return to the charge against Mr. Pitt and Lord Castlereagh. There never were men who, entertaining the design of secretly fomenting a general rebellion, committed such blunders in the execution of their project. Their manifest interest must have been to allay public suspicion at first, to suppress all information as to the existence of a dangerous conspiracy, until their plot was well matured, and their rebellion just ripe for explosion. Yet I find that, on the opening of the session, so early as January, 1796, these ministers were guilty of the manifest indiscretion of making the following communication to the Irish parliament through the medium of the king's speech:—

"My lords and gentlemen.—It is with regret that I feel myself obliged to advert to those secret and treasonable associations, the dangerous extent and malignity of which have in some degree been disclosed in several trials, and in the disturbances which have taken place in some parts of the kingdom. It remains for your prudence and wisdom to devise such measures as, together with a continuance of those exertions, and the additional powers which, by the advice of the Privy Council, I have thought it necessary to establish in several counties, will prevent the return of similar excesses, and restore a proper reverence for the laws of the country."

The Irish parliament again assembled in the same year, and, on the 13th October, 1796, his Majesty made to that parliament the following communication:—

"His Majesty has required your attendance in parliament at this early period, in order that he may resort to your deliberative wisdom at a time when the ambitious projects of our enemies have threatened to interrupt the happiness and prosperity of his people, by making a descent upon this kingdom and Great Britain."

On the very next day, the 14th October, a motion was made by the government of Ireland, for the suspension of the Habeas Corpus Act. Mr. Ponsonby said, if he stood alone he should resist it. Mr. Curran opposed the bill. Now, observe the charge which he preferred against ministers. "If ministers wished to excite alarm, they might succeed; they had already succeeded. Their industrious reports of an invasion, of which he was convinced they had no apprehension, had nearly destroyed public credit in the south." This speech of Mr. Curran, ridiculing the threat of invasion, was made on the 14th October, 1796, and on the 18th December of the same year, eighteen sail-of-the-line, fifteen frigates, and sloops, and transports, for an army of 25,000 men, sailed from Brest for Bantry Bay. They sailed, no doubt, in the learned gentleman's opinion, in concert with Lord Castlereagh and Mr. Pitt, for the purpose of fomenting the Irish rebellion, and opening to England the purse of Ireland.

The charge now preferred against the government of Mr. Pitt and Lord Castlereagh is, that they did not, in 1796 and 1797, apprehend men who professed to be patriots, but were really traitors. Of the charge which would have been preferred against that government at the time, if too lavish a use had been made of the powers intrusted to it, we may judge from the observations made by Mr. Grattan, in oppos-

ing the suspension of the Habeas Corpus Act. "Any active citizen," said he, "any offensive Catholic, any friend to parliamentary reform, and enemy to the abuse, of the government, may be committed to Newgate without the smallest truth, and without any responsibility."

Again, as to the charge that the government made a wanton and unnecessary increase to the military force in Ireland, for the purpose of controlling the expression of public opinion, and putting down resistance to the measure of the Union. On the 21st February, 1797, in the Irish House of Commons, there was an accusation preferred against the government by the opposition, connected with the military force in Ireland; but the accusation was, not that the government had unduly increased the military force, but that, from neglecting to increase it, they had exposed the country to serious peril. Mr. Ponsonby made a motion for returns of the troops serving in Munster; of the number of troops stationed in Ireland; of the cannon fit for service, for the purpose not of impeaching the military despots at the head of government for increasing the military establishment, but for precisely the reverse—for neglecting to increase it. When the government, in February, 1797, made a modest proposal to add 10,000 men to the regular force, it was scouted as far beneath the necessities of the times; and it was moved by Mr. Lawrence Parsons, and he was supported in the motion by the opponents of the government, that 50,000 yeomen be forthwith employed, in addition to those that were already on the establishment. The men that opposed the motion were those who are now charged with having sought for frivolous pretexts to increase the military force. So much for the accusation preferred by the learned gentleman on this head of charge; and, as I before observed, I have troubled the House with a refutation of it, not because I attached any importance to it, but in order that they might be enabled the better to judge of the general spirit in which the learned gentleman's whole speech was conceived, and of the probable foundation of the other charges that he has preferred against the British government.

He says, and the learned gentleman who spoke last repeats the accusation, that the policy of that government, continued up to the present time, has been founded on the maxim, *Divide et impera*; on the principle of sowing dissensions between Roman Catholic and Protestant, for the purpose of preventing their amalgamation and union.

Now here again, Sir, whatever truth there is in the observation is fatal to the present motion. While there existed a separate legislature, England had no alternative but to rule by party, and by the divisions which such a rule must generate. But since the Union, she has been enabled to adopt, and she has adopted, another system. She has refused to be a partisan; she has attempted to moderate the rancour of religious feuds; she has interposed to protect you from yourselves; and she has met with the fate which is not uncommon to those who interfere in other domestic quarrels—she has drawn upon herself the wrath of the parties she attempted to moderate. One-half of the unpopularity—the merely occasional, I trust, and fleeting unpopularity of the British government in Ireland, is fairly ascribable to the following causes—that since the Union she has used her influence to suppress the unseemly triumphs and insulting exhibitions of party feeling—that she has held the scales of justice with an equal hand, and has, therefore, alternately disappointed those of opposite opinions, who hoped for her co-operation in crushing a rival—that she has introduced economy and order into the departments of government, and has, therefore, diminished that influence which she once owed to patronage and extravagance.

But Repeal the Union, and you will then see that line of demarcation between religious parties which England has attempted to blend and soften, graven with sharp instruments, and marked in colours but too distinct. You talk of the spirit of 1782, and boast, in a triumphant tone, of the conquests it achieved over the weakness of England. Yes, Repeal the Union! and you shall then see that majestic spirit, the spirit of 1782, the spirit of the Protestant north, that has been lying, not asleep but in watchful repose, confiding in the justice and protection of England—you shall then see it arise in conscious strength, to defend itself, with its own native and sufficient energies, from that vile debasing domination which would be begotten from the foul union of religious hatred and perverse ambition.

You demand a separate and independent parliament for Ireland. A separate one you may have, an independent one you cannot. You never had an independent parliament. You never can have one consistently with the sovereignty of the British Crown, and the connexion with the island of Great Britain.

If you attempt to revive that system of government which, after the completest evidence of its failure, the Union abolished, you may take your choice between these evils for Ireland—a paralyzed king or a corrupt parliament. No, Sir, I am wrong, you will not have the choice between those evils—you will have the concurrent infliction of the two, for they are quite consistent, if not inseparable: you will have both a paralyzed king and a corrupt parliament. Re-establish the separate legislature, and the remaining tie—the golden band of common sovereignty as you are pleased to call it—will be no band of gold; it will be a band of iron and miry clay, the foul mixture that betokened, in other times, a divided kingdom.

Sir, the whole question is concluded, if these positions can be proved—that Ireland never had, and that she never can have, consistently with British connexion, an independent parliament.

It will be conceded to me, I apprehend, that upon the principle, *corruptio optimi pessima*—the semblance of independence without the reality would be nothing but an evil and a curse, cheating with a vain mockery the country upon which it is inflicted, and bringing into general disrepute and shame the character of representative government. Now let us first define what constitutes, at least what are essential conditions to, the independence of a separate legislative body in Ireland. Such a body cannot, I apprehend, pretend to the character of independence, unless it possess, first, control over the executive authority of the state, in so far as that authority may act within the limits, or may directly affect the interests of Ireland; and, secondly, control over the public purse of Ireland, involving complete power over the taxation and expenditure of that country.

Now, first, as to control over the executive. How was such control provided for under the boasted arrangement of 1782—that arrangement which is described as having been so perfectly satisfactory that it ought to have been completely final? Why, Sir, by an act passed by the Irish parliament itself, and constituting part of the arrangement of 1782, it was expressly provided, first, that no parliament should be holden in Ireland without a license for that purpose obtained under the Great Seal, not of Ireland, but of Great Britain; and that no bills passed by the parliament of Ireland should have the force of law within Ireland until they were returned into that country without alteration, under the Great Seal of Great Britain. Now, if the king was King of Ireland in the same sense in which he was King of Great Britain, and if his authority in Ireland was an independent authority, controlled only by an Irish legislature, why was not the Great Seal of Ireland employed to warrant the holding of Irish parliaments, and to certify the passing of Irish bills, instead of the Great Seal of England? Functions of vital importance to Irish interests were thus committed to a British minister, and where was the corresponding control over that minister which ought to have been possessed by an independent legislative body? The Chancellor of Great Britain had the express power to paralyze the whole Irish legislature; for he had the power by law to prevent the operation of any bill whatever, whether it related to matters of the first importance, or to matters of mere local concern. It is no doubt foolish to speculate on the extreme abuse of such a power. But suppose it were exercised under an honest *bonâ fide* impression of the justice and necessity of its exercise, in what manner could the British Chancellor be made amenable to the Irish parliament?

Now, let us consider the constitution of an Irish government acting in concurrence with a separate legislature in Ireland. Is that government to be appointed by the Crown, independently of the advice of the British minister; or to be appointed by the advice of the British minister, and to act in cordial co-operation in concert with him? If it is to be appointed independently of him, who is to be responsible for its selection? and where is the man who will undertake as minister the charge of conducting public affairs in this country, and of preserving a good understanding with Ireland—if there is to be in Ireland not only an independent legislature, but an executive authority totally independent of the British minister, acting on its own separate responsibility, and giving to the King of Great Britain separate advice?

Does any rational man believe that such a state of things could endure in peace for a month? Take, then, the other alternative. Let the Irish government be appointed, as at present, on the advice and responsibility of the British minister. It will then form a part—a subordinate but intimate part—of the general government. The same spirit will influence all its acts, and direct all its councils. But the general government, and the Irish government as a part of it, must possess the confidence of the British parliament. That confidence is a condition absolutely essential to its existence. But it is a condition also essential to the existence of the Irish government, that it must conciliate the good-will of the Irish parliament, a legislative body equally independent with the British. Now, it appears even at present no very easy matter to reconcile the action of the executive with the concurrent confidence of one House of Lords and one House of Commons, and, by way of simplifying the process of government, we are to introduce two new elements into the system;—namely, an Irish House of Lords, and a reformed Irish House of Commons; and then we are to expect from the British minister that he will so regulate his course of legislation and government that it shall command the assent and confidence of four independent legislative bodies, guarding respectively, in two different countries, those interests which the advocates of repeal pronounce to be separate, and often conflicting interests.

Let us now turn to the subject of finance. The first question would be, and one preliminary to repeal: What portion shall Ireland take upon herself of the present joint debt of the two countries? That she must take a considerable portion of it is self-evident. It is quite impossible that she could claim a participation in colonial trade, for instance, or in any other of the benefits of foreign possessions, without paying a fair share of that expense which has been incurred in obtaining and securing those benefits. There would be another question also, and one still more difficult of solution. In what proportion shall Ireland hereafter contribute to the common defence, and to the common charges of the empire? In case of war, is she hereafter to judge for herself whether that war be a just war, a necessary war, or a war so little affecting her own special and peculiar interests that she may decline to take a part in it? If she may exercise that judgment, and if the consequence of her expressing an opinion unfavourable to the war shall be, that the whole charge of it will be left to be borne exclusively by Great Britain, what an obvious interest she will have in uniformly disapproving a warlike policy, however clear its necessity! If she does disapprove of it, in what a relation will she stand towards the enemies of Great Britain? Is she to be at peace with them, while her sovereign, the sovereign of Ireland as well as Great Britain, is at war? If she is not to be at peace, in what manner, and at whose cost, is her internal defence, and the protection of her commerce, to be provided for? The difficulty of determining such questions as these, compelled the adoption by the United States of that principle of government which is, in fact, analogous to the principle of our union. Mr. Jefferson remarks in his *Memoirs*, that, among the debilities of the original confederation, no one was more distinguished, or more distressing, than the utter impossibility of obtaining from the separate states the monies necessary for the payment of debts, or even of the ordinary expenses of the government. What was the remedy? In fact, a union—the appointment of one superintending supreme authority, which should decide, without appeal, on questions of foreign commerce, of war, of diplomacy, on all matters of general concern; and the establishment of a common treasury, maintained by common contributions, and defraying all the charges of war, and all other expenses that should be incurred for the common defence or general welfare.

A mode has been suggested of meeting this difficulty;—namely, that the proportions of the respective contributions of the two countries should be determined beforehand, and that, in the event of war, or other specified contingencies, each should hereafter pay its allotted proportion. By what authority is this prospective arrangement to be made? Of course by the present united parliament. There can be no other. That is to say, the united parliament, which is declared incompetent, through ignorance and partiality, to regulate the present concerns, and to provide for the present interests of Ireland, is to be endowed with such perfect justice, and such intimate knowledge, not only of the present, but of the future condition of Ireland, that it can equitably and satisfactorily determine, with reference to all possible circumstances,

what proportion the future contribution of Ireland to the general expenses of the empire ought to bear to that of England. If the united parliament is competent to do this, why dissolve it? why not trust it with the performance of the very inferior duties of ordinary and occasional legislation?

Supposing, however, all these difficulties overcome, there are others yet in store for us. Ireland, it is said, is so differently circumstanced from England—her commercial and manufacturing interests are so peculiar—that she requires a system of legislation adapted to those peculiar circumstances, of which a domestic legislature alone can judge. Be it so. This peculiar system will probably involve different principles of commercial policy; duties on import, bounties on export, varying from those adopted in Great Britain. Now, by what authority, and under whose control, are these duties to be levied? Who is to determine on, and to enforce, the precautions that will be necessary to prevent the constant frauds to which the revenues of both countries will be subject? Will Ireland be content to leave the sole authority, in matters of this kind, to this country? Must not she have an establishment of her own, for the collection of her own revenues—revenue cruisers of her own—armed vessels of her own, to protect those cruisers? What does all this portend? What but constant collision, and eventual war? It appears to me, Sir, that the proof from reasoning *à priori* is decisive, that you cannot have a separate legislature in Ireland, *bonâ fide* independent, concurrently with the sovereignty of the British Crown, and with friendly relations with this country.

In aid of the deductions of reason, if any aid were requisite, come the examples of history, and the warnings of experience. The case of Scotland—the events that immediately preceded, and compelled the legislative union with that country, in order to avert the imminent hazard of her complete separation from England—would be alone decisive. The danger sprung from the same causes which would generate danger in this case. The remedy—namely, union—was applied on the same principles, and with complete success. But I will not abuse the patient indulgence of the House by citing superfluous examples. The history of Ireland herself, between the year 1782 and the period of the Union, is pregnant with evidence fatal to the re-establishment of the system under which her affairs were then administered—conclusive as to the fact, that under such a system the connexion between the two countries is in perpetual danger. The annals of Irish history for that short period, a period of only eighteen years, present, First, an address to the Crown from the Irish parliament, on the subject of the special relations of Ireland to Portugal; which address, considered by Mr. Grattan a spiritless and languid address, because it did not demand instant reparation for the insult offered to Ireland, implied a right, on the part of the Irish parliament, to resent the injury Ireland had sustained, and to take such effectual means as the honour and indispensable rights of Ireland might demand. Thus, one of two events might have occurred from the decision of the Irish parliament: either the foreign relations of Great Britain with a friendly power might have been disturbed, contrary to the wish of the British parliament and the British minister; or, Ireland might have been involved in a war, to which Great Britain refused to be a party.

The affair of Portugal occurred in 1782. In 1785 the propositions adopted by the parliament of Great Britain, for regulating the commercial intercourse of Ireland with Great Britain and her colonies, were necessarily abandoned in consequence of the opposition of the Irish parliament. In 1788, upon the great question of regency, it is perfectly notorious that the parliaments of the two countries pursued a different course, acting upon principles at complete variance. It is proposed to obviate the recurrence of a similar difficulty, by determining beforehand that the regent of Great Britain shall be *de jure* regent of Ireland. That is to say, it is proposed that the united parliament shall now pass a law by which the future parliaments of Ireland shall be irrevocably bound, providing under all possible circumstances, that regencies, however they may be constituted by the British parliament, whether to be administered by individual regents, or by councils of regency, shall exercise all the functions of sovereignty in Ireland as well as in England. Why, the very admission of the necessity of making this prospective arrangement is fatal to the independence of the Irish parliament; it proves that you dare not trust a separate legislature in Ireland with the right to legislate in a matter that must vitally affect Irish interests.

You predetermine that Ireland should be bound by the decision of a British parliament, in a matter of paramount importance, even in spite of an adverse decision of her own. But where is the security that Ireland will be bound by it? that she will adopt a law imposed upon her by this present parliament, which parliament is to be superseded in its legislative functions, on the express ground that it does not fairly represent Irish opinions, and cannot adequately provide for Irish interests?

There have been only two occasions, in modern times, in which a difference between the two countries, as to the rights of sovereignty, could by possibility have occurred, and on both it did occur. The first was in respect to the title of King William III. to the Crown of Ireland; the second, the right of the Prince of Wales to the office of regent. But the former case was foreseen and provided for by law; for there was a statute, enacted in the reign of King Henry VIII., expressly providing that the kingdom of Ireland should be for ever united and knit to the Imperial Crown of England, and that the King of England, of right, ought to be, and should be, King of Ireland.

Notwithstanding the statute, notwithstanding the abdication, by James, of the Crown of Great Britain, the Irish parliament recognised his authority as King of Ireland, rejected the statutable right of King William, and did not submit to it until compelled by the issue of civil war. It may be said, that the circumstances of the revolution, and of the abdication of James, were very peculiar. No doubt they were. And will there ever be changes of dynasties, and revolutions, and disputed claims to sovereign rights, without circumstances very peculiar, without circumstances that overrule the force of written laws, which did not and could not provide for them?

Thus within the short period of six years from the establishment of what is called the independence of the Irish parliament, from the year 1782 to the year 1788, the foreign relations of the two countries, the commercial intercourse of the two countries, the sovereign exercise of authority in the two countries, were the subjects of litigation and dispute, and it was owing more to accident than to any other cause that they did not produce actual alienation and rupture. Add to these sources of discord and misfortune, a foreign invasion in 1796, and a savage rebellion in 1798, and what becomes of the boasted prosperity and happiness which Ireland is said to have enjoyed under the government of the independent parliament? I must repeat, Sir, the observation which I made at the outset—that the evidence of sense, the evidence of reason, the evidence of experience and history, are all conclusive against the disturbance of the legislative Union.

But an alarming menace is held out to us. We are advised to consent to immediate repeal, if we wish to avert the otherwise certain consequences of separation. I, for one, am not disturbed by that menace. If I am driven to make a choice between such dreadful evils, I very much doubt whether I shall not prefer separation—complete and entire separation—that is, the establishment of Ireland as an independent country, under a distinct form of government, to a repeal of the Union. I conceal from myself none of the vast evils and dangers of separation—the imminent hazard of collision between the two countries—the certain diminution to each of its power, influence, prosperity, and social happiness. But foreseeing separation to be an inevitable consequence of repeal, I prefer separation now, to separation embittered by the additional animosities of a protracted, intermediate struggle. Separation, too, has this advantage: Powers independent of each other, have definite relations—have mutual rights prescribed by the long-settled code of the law of nations; but powers standing in the relation in which, after repeal, England and Ireland would hereafter stand towards each other, have the limits of their respective authorities quite unsettled, and have no known arbitration to refer to for the peaceful adjustment of their differences. Whenever, therefore, the success of the repealers shall be inevitable, I shall be very much inclined to say to them, “Gentlemen, let us part in peace; arrange your own form of government for Ireland; establish a republic if you please, or replace on the throne of Ireland (if monarchy be more acceptable to you) the descendants of your ancient kings.” Not, Sir, that I would presume to interfere in their choice of a sovereign; oh, no! I would carry to its utmost limit the doctrine of non-intervention; but, speaking as an impartial and disinterested witness, with some scanty knowledge of the ancient history of Ireland, I may, perhaps, be allowed to say thus much: that if the throne shall be vacant, I know no one better entitled to

fill it than the learned member for the county of Cork (Mr. Feargus O'Connor). Far be it from me to prejudice any other claim that may be advanced, but, in return for the courtesy which I have uniformly experienced from the learned member, I am bound to say, that at present I know no better claim to the monarchy than his. I find it recorded by an ancient historian of Ireland, whose very words I quote, that shortly before the invasion of Strongbow, in the reign of Henry II., this very unpleasant circumstance occurred: "Dermot Macmurrough," says the historian, "King of Leinster, halt and lecherous, vowed dishonestly to serve his lust on the beautiful queen of Meath, and, in the absence of her husband, allured the woman so far, that she condescended to be stolen away. This dishonourable wrong to avenge, O'Rorick, the king, her husband, besought assistance of Roderick or Roger O'Connor, King of Connaught, at that time general monarch of all Ireland." From this Roderick O'Connor, the general monarch of all Ireland, I conclude the learned gentleman is descended. Still, Sir, I am bound to admit the fact, that there appear to have been at least two other kings in Ireland at the same time, a king of Leinster and a king of Meath. The descendants of these kings may, for any thing I know to the contrary, prefer their claims; and I am bound in a spirit of perfect candour to confess, notwithstanding my leaning to the pretensions of the learned gentleman, that if these claims shall be preferred, it will be his solemn duty, I do not say to abdicate, I do not say to dissolve the monarchy, but acting on this valuable precedent, and in the very words of the present motion, to consent to the appointment of a select committee, "to enquire and report on the means by which the dissolution of the monarchies of Meath and Leinster was effected: on the effects of that measure upon those provinces, and upon the labourers in husbandry, and operatives in manufactures in Connaught, and upon the probable consequences of continuing the general monarchy of Ireland." Now, to prove still further my perfect good-will towards the learned gentleman, notwithstanding his strenuous efforts in the cause of repeal, I have extracted from the very same historian, who seems to establish his claim to the monarchy, an account of the refined and impressive ceremonial which was observed in Ireland on the coronation of her ancient kings, and which will, of course, be revived and faithfully adhered to in the person of the learned gentleman. According to this venerable authority, "The ancient Irish thus used to crown their king. A white cow was brought forth which the king must kill, and seeth in water whole, and bathe himself therein stark naked; then sitting in the same caldron, his people about him, he must eat the flesh and drink the broth wherein he sitteth, without cup or dish or use of his hand. So much for their old customs." I do not hesitate to place this valuable record in the hands of the learned gentleman, to be reserved for future use if occasion should require it.

One more appeal, and only one, I will make to the House. It is to their feelings, perhaps, rather than to their cold unimpassioned judgment; but the foundations of society and of civil government are weak indeed, unless they repose upon the warm feelings of the heart, as well as upon the dictates of sober reason.

Thirty-three years have now elapsed since the passing of the act of Union—a short period if you count by the lapse of time; but it is a period into which the events of centuries have been crowded. It includes the commencement and the close of the most tremendous conflict which ever desolated the world; in the course of which many ancient dynasties were overthrown, and every country of Continental Europe, with scarcely a single exception, was exposed to invasion and the occupation of a hostile force. Notwithstanding the then recent convulsions in Ireland—notwithstanding the dissatisfaction expressed with the Union—the United Empire, that had been incorporated only three years before the commencement of the war, escaped the calamities to which other nations were exposed. The extravagant and unreasoning ambition of Napoleon, which sent half a million of men across the continent, to the invasion of Russia, never ventured to assail even the weakest point of these countries, lying within a few hours' sail of the shores of France. In our gallant armies no distinctions of Englishmen and Irishmen were known; none of the vile jealousies which this motion, if successful, would generate, impaired the energies which were exerted by all in defence of a common country. That country did not bestow its rewards with a partial hand: it never enquired the place of birth of the heroes on whom it lavished its admiration and gratitude; it did not, because they were Irishmen, and

a less sincere or less willing homage to the glorious memory of a Ponsonby and a Pakenham. The benefit to both parts of the empire was reciprocal. We gained the full contribution of Irish valour and Irish genius; and to Irish valour and Irish genius was opened the arena of the world, and they expanded with the new and boundless horizon. Castlereagh and Canning fought in the same ranks with Pitt, and Grattan took his place in the great contests of party, by the side of Fox. The majestic oak of the forest was transplanted, but it shot its roots deep in a richer and more congenial soil. The glowing eloquence of Grattan lost nothing of its spirit; but it was chastened by a milder wisdom and a more comprehensive benevolence, that commanded, not merely the applause, but the affectionate esteem, even of political opponents. Above all, to an Irishman—to that Arthur Wellesley, who, in the emphatic words of the learned gentleman (Mr. Sheil), “eclipsed his military victories by the splendour of his civil triumphs,”—to him was committed, with the unanimous assent and confidence of a generous country, the great and glorious task of effecting the deliverance of the world.

The peace which was conquered by the sword of Wellington, was settled and confirmed by the patient and conciliatory wisdom of Castlereagh. An Irishman was selected to represent in the Congress of Europe that united empire, which, fifteen years before, had been incorporated mainly through his own undaunted exertions; and, Sir, there was not one British heart throughout the land that was defiled by the base and sordid spirit of national jealousy—that recollected, with a grudging and envious feeling, that the great parts that were then acting on the theatre of the world, were committed, not to Englishmen, but to Irishmen.

Oh! Sir, who is that Irishman who can review these events, who can reflect on the glorious interval that passed between the day when his own countryman, the Duke of Wellington, stood with his back to the sea on the rocks of Lisbon, and saw before him the whole of Europe lying prostrate in subjugation and despondency; and that day when, having, never paused in the career of victory, he had broken every fetter, and had turned despair into triumph and into joy?—Who is that Irishman, who, recollecting these things, has the spirit and the heart to propose, that Ireland shall be defrauded for the future of her share of such high achievements—that to her the wide avenues of civil and military glory shall be hereafter closed—that the faculties and energies of her sons shall be for ever stunted, by being cramped within the paltry limits of a small island? Surely, Sir, we owe it to the memory of the illustrious brave, who died in defending this great empire from dismemberment by the force and genius of Napoleon, at least to save it from dismemberment by the ignoble enemies that now assail it.

In conclusion, let me entreat the House to bear in mind, that the consideration is not whether you shall re-establish the state of things which existed before the Union, but whether you shall sever a connexion that has subsisted for the third part of a century, and violently disturb the new relations that have grown up in the confidence that the Union was indissoluble. The question, whether the Union ought to have taken place, is perfectly distinct from the question, whether, having taken place, it ought to be dissolved. Measures have been enacted in the interval, Catholic emancipation and Parliamentary reform constituting changes in the state of society in Ireland, which never probably would have been contemplated, never certainly could have been safely adopted, had Ireland retained her separate legislature. Those changes oppose new obstacles, in addition to all to which I have before referred, to the measure of repeal. They will aggravate every danger with which the system of government that existed prior to the Union was pregnant. They will destroy every check upon the influence of numbers and physical strength, as opposed to the influence of property, and station, and character.

Beware how you act in the presumptuous confidence that you can restore by artificial devices the equilibrium that has been thus disturbed—that you can launch the new planet into the social system—can set bounds to its librations—can so adjust the antagonist forces which are to determine its orbit, that it shall neither be drawn back into violent contact with the mass from which it has been severed, nor flame through the void of space a lawless and eccentric meteor. To do this is far beyond the grasp of your limited faculties—far beyond any intelligence, save that of the Almighty and Omniscient Power which divided the light from the darkness, and

ordained the laws that regulate in magnificent harmony the movements of countless worlds.

The debate was adjourned till the following Monday, when a long and animated discussion again ensued,—followed by a still further adjournment to the 29th instant: after another evening's debate, the House divided on Mr. O'Connell's motion: Ayes, 38; Noes, 523; majority against the motion, 485.

PENSION LIST.

MAY 5, 1834.

Mr. Harvey rose, and, in introducing the subject to the notice of the House, stated that, through indisposition, he should consume as little of the time of the House as would be necessary for the proper understanding of the question. The hon. gentleman, after reading a long list of names of individuals, then in the receipt of pension, and humorously remarking on their great public services, concluded by reading the following motion:—"That an humble address be presented to his Majesty, praying that he would be graciously pleased to direct an enquiry to be made into the consideration of each pension, as it appears in the list ordered to be printed by his faithful Commons on the 28th of August, 1833, with a view to be assured that such persons only are in the receipt of the public money as have just claims on the royal munificence, either by services rendered to the Crown—the performance of duties to the public—by useful discoveries in science—or by attainments in literature and the arts, which have deserved the consideration of their Sovereign and the gratitude of their country."

Mr. Strutt moved as an amendment that the subject should be referred to a select committee.

Lord Althorp in a brief speech signified his intention, on the part of government, to oppose both the motion and the amendment.

In the debate which ensued,—

SIR ROBERT PEEL said, I do not profess to be labouring under the influence of those feelings which the hon. gentleman who spoke last (Mr. Hawkins), ascribed to members of his Majesty's former government. I cannot say, that I am burning with indignation at the charges made against the government of which I was a member, or that I have any such anxiety to vindicate my character as he appears to suppose. To not one of those charges do I attach the slightest importance; and if I did, I would not be influenced by any motives of false delicacy or mistaken honour to consent to a motion that I believe to be inconsistent with justice, and with the respect which we owe to the Crown. Though I entirely approve of the manly course taken by the noble lord on this question—though I believe that he is perfectly right in resisting both motions, and though I heard with satisfaction the declaration, worthy of a Minister of the Crown, that, pass what resolutions you pleased, he would not be the servile tool to execute that which he disapproved; though I willingly re-echo that sentiment, yet I owe no obligation to the noble lord for carrying before me his protecting shield. I do not want to have warded off from me any censure which this motion may be supposed to cast on former administrations. I do not know what the issue of this debate may be. I know it is confidently predicted, that the enquiry will have a majority in its favour. I do not believe it; but, if it be so, to me personally it is a matter of but little consequence. With regard to any pension on that list of which I have cognizance, I have not the slightest apprehension of appearing before any tribunal. I have no personal interest in any; and all of which I know any thing were, I firmly believe, given in the strictest accordance with the spirit of the Act empowering the Crown to confer them. As the noble lord has said, this is a question on which short speeches are the best. It is, indeed, a question which lies within the narrowest limits. In point of fact, there is no question before us. There are, indeed, two motions before us, which, perhaps, it will be your duty, Sir, in point of form, to put from the chair; but, in point of substance, those motions have been already annihilated. The speech of the hon. member for Derby cut from under him the ground on which the hon. member for Colchester took his stand; and the speech of that hon.

gentleman performed the same kind service for the hon. member for Derby. See how the case stands. The hon. member for Colchester proposes an address to the Crown, advising his Majesty to revise his own acts, and to withdraw those pensions, the continuance of which his Majesty had himself confirmed. This the other hon. gentleman opposes as disrespectful to the sovereign, and at variance with the duty which we owe to his Majesty; and nothing less will content him, than to give to such a motion a direct and unqualified negative. Yes; a negative. No previous question, none of those delicate parliamentary modes of getting rid of an unpleasant motion sometimes adopted; nothing but a direct and unqualified negative will satisfy the hon. member. The hon. gentleman very justly said, that the motion was inconsistent with the respect due to the Crown; that, if the question were to have been raised at all, it should have been raised previously to the settlement of the Civil-list; and that, as his Majesty himself had not thought proper at that period to make any alteration, it would not be becoming in the House of Commons, after having granted to his Majesty the means of conferring those pensions, now to turn round upon him, and call on him to revoke the grants of his royal bounty. How, said the member for Derby, can you, with any consistency, call on the present ministers, who advised his Majesty to make this arrangement, now to advise his Majesty to recall it? How could his Majesty's ministers, with decency, adopt such a course? Now, though I certainly think the proposition of the hon. gentleman (Mr. Strutt) the more respectful of the two, yet, I cannot help feeling, to the fullest extent, the objection which the hon. member himself, so candidly made against his own plan. The objection was urged with great force, and appeared to me to be fatal. I turned round several times during the delivery of his speech to friends near me, and said, "This is an excellent speech; but what can be the nature of the amendment which a man entertaining those sentiments can propose?" The hon. gentleman over and over again laid down the doctrine of vested rights in the strongest manner I ever heard. He said the motion of the member for Colchester would not only be disrespectful towards the Crown, but would interfere with the vested rights of the subject. As the hon. gentleman said, what security would there be for property of any kind, if the property held on the authority of recent statutes should be thus violently interfered with? And not only, said the hon. gentleman, did he oppose this on the ground of justice, but he opposed it also on the ground of policy; for, said he, nothing could be more prejudicial to the great cause of gradual reform, and the amelioration of our institutions, than to encumber it with the odium of acts of individual injustice; and unjust it certainly would be, to withdraw the amounts of those pensions from their existing holders. This being the doctrine of the hon. gentleman, on what principle does he ask us to appoint a select committee to make an enquiry into the subject of those pensions, which pensions he himself would hold inviolate?

As he refuted the reasoning and destroyed the motion of the member for Colchester, so with equal success has that hon. member dealt with the reasoning and the motion of the member for Derby. For, said the member for Colchester, though originally in favour of an enquiry, subsequent consideration had induced him to alter his opinion. He said, that when he thought of the practical results of such a measure—when he thought of the necessity for calling before such a tribunal of enquiry innocent ladies of high rank—when he thought of young and delicate females having to enquire through the purlieus of that House their way to No. 13, the committee-room to which they were to be called—there appeared to be something so revolting to the feelings of an English gentleman, that, though he had at first approved of a select committee, the vision of those ladies waiting for the committee, of which the hon. and learned gentleman would be chairman, had induced him to abandon his original intention, and proceed by address. The hon. member for Derby tells the people of England that these pensions are vested rights, and yet asks for an examination into them, in order to satisfy pure curiosity. He admits, that you can save nothing by it—that not a single farthing can be reduced; but, in order to gratify a prying, inquisitive love of scandal, we are to waste the public time in a select committee. But I ask that hon. gentleman, whether, if I admit the vested interest and the legal right, and deny the power to withdraw that right, is it just to draw any intermediate line? Is it decent for those who have not the courage or inclination to deny the right, to demand an enquiry into the origin of the grants, for no other purpose than that of

holding up the possessors to public indignation? Of all proceedings none could be more dangerous to property of every kind than this; for what could have a more injurious effect upon the title to property than to declare that the owners possess it by legal right, and at the same time to damnify the possession by whispering a charge of moral turpitude? It would be better to address the Crown to rescind its own acts, than to appoint that odious select committee, for the purpose of making enquiries which can be of no possible use or public advantage. The whole proceeding is, indeed, open to various grounds of objection. But, above all other objections is this, that the continuance of these pensions forms part of the existing compact between the king and the people. And under what circumstances was this compact made? Was there a mere unrequited grant of a sum of public money to the Crown for the purpose of granting pensions? Certainly not. In 1830, the king sent a message to the House of Commons, in which he resigned to his people revenues that had never before been given up to them. His Majesty said,—“By the demise of my lamented brother, the late king, the Civil-list revenue has expired. I place, without reserve, at your disposal my interest in the hereditary revenues, and in those funds which may be derived from any droits of the Crown or Admiralty, from the West-India duties, or from any casual revenues, either in my foreign possessions, or in the United Kingdom. In surrendering to you my interest in revenues which have, in former settlements of the Civil-list, been reserved to the Crown, I rejoice in the opportunity of evincing my entire reliance on your dutiful attachment, and my confidence that you will cheerfully provide all that may be necessary for the support of the civil government, and the honour and dignity of my Crown.” And what was to be the equivalent for the revenues then for the first time so liberally given up? What but the civil-list granted by parliament in lieu of those revenues? What were the terms in which the Commons replied to the gracious message? “We feel it our duty to express to his Majesty our unfeigned gratitude for the confidence his Majesty has reposed in us.” This was the address which you then presented, and now, by way of showing your unfeigned gratitude truly, you wish to present a second address, four short years only after the first, implying that you have done wrong; that the provision for the pension-list ought not to have been granted; and that the present parliament is determined to rescind the engagement of the former, which was conveyed in the following address:—“We make acknowledgments to his Majesty for the surrender of his interest in revenues which have, in former settlements, been reserved to the Crown, and assure his Majesty that we will cheerfully provide for the support of the civil government, and the honour and dignity of the Crown.” The construction which the former parliament placed on this grant may be seen from the fact, that £75,000 was placed on the civil-list for pensions, and the further sum of £85,000 on the consolidated fund. That which I read just now, is not binding on you in point of law. It is only an address to the king; but what are the terms in which the parliament has, by its statute, recognised the right of his Majesty to appropriate these sums? The preamble of the act recites the address, containing the grateful acknowledgments of parliament for the surrender of revenues which had never been surrendered before, and the assurance that his Majesty may, with confidence, rely on the liberality of his parliament; and then, following up this principle, there is this enactment:—“It shall be lawful for his Majesty to direct a sum, not exceeding £85,000, to be paid out of the consolidated fund, in pensions, at the pleasure of his Majesty, from the 5th of April, 1831.” And it goes on to point out who are to be the recipients. The next clause provides, that such pensions shall be guaranteed only to, or on behalf of those persons who were in the receipt or enjoyment of them at the period of his Majesty's accession, or who possessed pensions which were chargeable on the hereditary revenues in England and Scotland, &c., which his Majesty had graciously surrendered; and to show further how clearly the vested interest of the parties holding pensions is recognised, the next clause provides, that in the event of the resumption of the hereditary revenues by his present Majesty, his heirs, or successors, such pensions should again become chargeable on the hereditary revenues. If, therefore, the hon. gentleman who spoke last had been inclined to push his argument a little further, he might fairly have contended, that the persons holding pensions by virtue of that compact are entitled to their continuance, not only during the life of the present

monarch, but during their own lives. Indeed it must be quite clear, that such a provision could only be made on the presumption that these parties were entitled to the enjoyment of these pensions during their lives. And by whom was that act of parliament passed? By the very parliament that passed the Reform Bill—the parliament elected under the excitement of 1831, and which passed the Reform Bill by triumphant majorities. Is it then, I will ask, wise to impeach the solemn decisions of that parliament; or can you safely invalidate one decision without bringing another into question? What safety can there be for property, unless you hold the laws securing it in respect? A great misconstruction prevails as to the intentions of parliament with respect to the granting of pensions. It was thought expedient that the right of the Crown to grant pensions should be limited in point of amount; but you laid down no principle on which the pensions should be granted; nor was it ever intended to fetter the discretion of the Crown in respect to the selection of the objects of royal bounty. I think it was right to limit the Crown in point of amount; and if you think it necessary to limit the prerogative yet further—if you think the monarchical influence so strong that it must be still further controlled—you have the abstract right to control it, but it must be for the future only. When you are considering interests which became vested in times past, you must look to the past in order to ascertain the intentions of those by whom these vested interests were originally created. I do not wish to pass any opinion on the noble lord's resolutions of the 18th of May, which lay down the principles on which pensions should for the future be granted; but I submit that a former parliament, when it granted the sum of £85,000 to his Majesty, granted it not for the sole purpose of rewarding official service, but for the purpose of enabling his Majesty to exercise his royal favour and bounty, without limitation as to the objects of that bounty; and I cannot conceive a greater injustice, than because you now find fault with the principles on which the pension-fund was granted to the Crown, that you should turn round on the ministers who acted under the sanction of former parliaments, and on the unfortunate holders of pensions themselves, and propose that they shall be sacrificed to your new notions of policy. The hon. gentleman who introduced the motion ventured to refer to Burke as his authority. I was surprised at that, as I thought I could remember more than one passage in the speeches of that celebrated statesman utterly at variance with the principles laid down to-night. Nor am I mistaken in my conjecture. I have not trusted to my memory; I have referred to the speeches of Mr. Burke; and I shall be able, by a distinct reference to the words used by Mr. Burke on that occasion, to show that his authority is completely against those who have appealed to it. Mr. Burke, in his speech on economical reform, says, "I do not propose, as I told you before Christmas, to take away any pension." Now this, it must be remembered, was the speech on the principles of which the present pension system was arranged. Before this period, the Crown had an unrestricted right of granting pensions. The object of Mr. Burke's motion was to limit that right; he at the time representing the popular feelings on that point. This, therefore, is the most impartial and disinterested testimony which I can adduce to support my statement of the construction put at that time upon the right of the Crown. Mr. Burke says—"I do not propose, as I told you before Christmas, to take away any pension. I know that the public seem to call for a reduction of such of them as shall appear unmerited. As a censorial act, and punishment of an abuse, it might answer some purpose. But this can make no part of my plan. I mean to proceed by bill, and I cannot stop for such an enquiry. I know some gentlemen may blame me. It is with great submission to better judgments, that I recommend it to consideration, that a critical retrospective examination of the pension-list, upon the principle of merit, can never serve for my basis. It cannot answer, according to my plan, any effectual purpose of economy, or of future permanent reformation. The process in any way, will be entangled and difficult; and it will be infinitely slow. There is a danger, that if we turn our line of march, now directed towards the grand object, into this more laborious than useful detail of operations, we shall never arrive at our end. The king, Sir, has been, by the constitution, appointed sole judge of the merit for which a pension is to be given." I beg the House will mark that passage. We have a right, undoubtedly, to canvass this, as we have to canvass every act of government, if there be the suspicion of corruption or abuse, but we have not the right to

canvass the discretion of the Crown as to the grant of any particular pension, merely because we differ as to the amount of merit in the grantee. If we have that right—we, and not the Crown, become the judges of merit, and the dispensers of favour. “But there is a material difference,” Mr. Burke continued, “between an office to be reformed, and a pension taken away for demerit. In the former case no charge is implied against the holder; in the latter his character is slurred, as well as his lawful emolument affected.” But what says Mr. Burke in the supposed case of a person really possessing an unmerited pension? He says—“If in this examination we proceed methodically, and so as to avoid all suspicion of partiality and prejudice, we must take the pensions in order of time, or merely alphabetically. The very first pension to which we come, in either of these ways, may appear the most grossly unmerited of any. But the minister may very possibly show, that he knows nothing of the putting on this pension—that it was prior in time to his administration—that the minister who laid it on is dead; and then we are thrown back upon the pensioner himself, and plunged into all our former difficulties. Abuses, and gross ones, I doubt not, would appear, and to the correction of which I would readily give my hand, but when I consider that pensions have not generally been affected by the revolutions of ministry, as I know not where such enquiries would stop, and as absence of merit is a negative and loose thing, one might be led to derange the order of families, founded on the probable continuance of this kind of income. I might hurt children—I might injure creditors. I really think it the more prudent course not to follow the letter of the petitions. If we fix this mode of enquiry as a basis, we shall, I fear, end as parliament has often ended under similar circumstances. There will be great delay—much confusion—much inequality in our proceedings.” Is it not quite clear from this, that no restriction was intended to be laid on the selection of persons to whom pensions were to be granted? Mr. Burke expressly states, that for the reasons above given he waives that mode of proceeding as part of his plan; for it is one of his maxims, that when he knows of an establishment which may be subservient to useful purposes, and which at the same time, from its discretionary power, is liable to a very great perversion from those purposes, he would limit the quantity of power which might be so abused, but not attempt to fetter the exercise in detail, of the power which he actually confided. If you require any further proof, it is only necessary to reflect for a moment, that if parliament had adopted the principle of limiting pensions to public services, that accounts would have been called for from time to time, and that such accounts would have formed constant themes for angry discussions between contending parties. Other acts have been passed by parliament, and other funds provided to enable the Crown to reward official services—as, for instance, the Superannuation act, and the act enabling his Majesty to reward ministers of the Crown. But the Pensions act has always remained untouched. And although you may think that the Crown may have been occasionally lavish in its grants, you cannot assert with truth, that the pension-fund has ever been applied with any corrupt view of influencing votes, or procuring support in parliament. There is the list open to public inspection, and it would not be difficult to prove it, if it were the case. Up, then, to the year 1830, parliament and ministers acted under the impression that the Crown had an unrestricted right to select for pensions on the civil list, those whom the Crown regarded with favour; that it was not an indispensable condition, that the receiver of a pension should have rendered what we call public service; and I submit, therefore, that either now to address the Crown, or to appoint a select committee, would be an act of most manifest injustice. I deny, too, that the Tory ministry are liable to the charge of corruption in the disposal of pensions, or that they abused the intention of the pension-list in occasionally advising his Majesty to make use of it for the purpose of facilitating official arrangements. You are now going to dry up the sources of that power of bestowing rewards for service which was once considered essential to the well-being of the state. The object of your present labours seems to be to ascertain at what rate public men can be invited into the public service at the least possible expense, and with the least possible inducements. What will be the effect of depriving every public man of these advantages of office, which formerly operated as some temptation to him to devote his time and energies to the public, I know not. I hope you may be able to invite great talent into the service of the Crown; I hope you are taking a course that will

permanently ensure the devotion to the public service of those in whom the public can place confidence. That, however, is quite a different question from the present. There is very little doubt that the king's ministers have acted, in reference to that act of parliament, in pursuance of the construction which I have put upon it. If you institute an enquiry, I doubt not but you may find some instances in which a minister has rewarded the faithful services of those who have acted under him in situations implying the utmost confidence. You will find, perhaps, that the wife or the daughter of the private secretary of a minister has received some marks of his acknowledgment for services—which, whatever be the name by which they are called, are in truth public services, if they assist a minister in the execution of high responsible functions. Review the history of the public men who have influenced the affairs of this country during the last twenty years. Begin with Mr. Fox. How long did Mr. Fox serve as a minister of the Crown before he died? A few short months. Then came Mr. Pitt, and he was cut off in the prime of life, I believe, by the labours and anxieties of office. Mr. Pitt was succeeded by Mr. Perceval, who perished by the hand of an assassin. Mr. Perceval was succeeded in this House by Lord Castlereagh, whose untimely fate was as much brought on by his devotion to the public service of the country, as if he had suffered in her cause in the field of battle. Mr. Canning survived his appointment to the office of prime minister scarcely half a year. When we recall to our recollection the splendid abilities of these individuals, the great services which they rendered to the state—when we consider how many of them sacrificed their lives in the service of their country—I ask you whether you think it would be decorous or just to revoke the acts by which they may have rewarded services that soothed the anxieties and lengthened the toil under which they sank. [“Hear! Hear!”] I understand the meaning of that ungenerous cheer; it would insinuate that such men as I have named may have abused the pension-fund for the promotion of some paltry personal objects, or the gratification of unworthy passions. I am proud of the censure and of the sneers of those who can harbour such suspicions, and rejoice therefore to hear the expression of them. I challenge you to produce the instance in which there has been a corrupt appropriation of the pension-fund. I admit that pensions have been granted as acts of royal favour, without reference to what you call public service. I assert, that the Crown had a right so to grant them, that parliament conferred that right, and uniformly acquiesced in its exercise; and that those, therefore, who have been the objects of the royal favour cannot justly be made the victims of your new views of public policy, and public justice.

After a long discussion, the House divided on the original motion:—Ayes, 148; Noes, 390; majority, 242.

The House divided again on Mr. Strutt's amendment; Ayes, 230; Noes, 311; majority, 81.

ADMISSION OF DISSENTERS TO THE UNIVERSITIES.

JUNE 20, 1834.

Mr. George Wood moved the second reading of the bill for admitting Dissenters to the Universities.

Mr. Estcourt, after expressing his conviction that the bill was fraught with danger to the most valued institutions of the country, to the safety of the monarchy, and the welfare of the empire, moved as an amendment, “That the bill be read a second time that day six months.”

Mr. Herbert seconded the amendment.

A long and animated debate ensued, towards the close of which.—

SIR ROBERT PEEL felt bound to say, that no modification which the bill was likely to receive or could receive, would reconcile him to give his vote in favour of the principle on which it was based. He regretted much that the hon. member, the author of the bill, had not attended hitherto to the frequent appeals that had been made to him, and explained to the House what was the real intention of the bill, as well as what was the construction to be applied to several of its leading provisions.

As he understood the bill, the effect of it was this:—It first recognised, in the pre-arranged, the advantages of academic education, and urged the expediency of its extension to all classes of his Majesty's subjects; it then recited that many sincere and conscientious men were excluded from partaking of the benefit thereof by reason of the necessity of subscribing to articles of religious doctrine, or to declarations of opinions respecting modes of faith and worship; and then it contained an enactment which gave a positive statutable right to every Dissenter, be he Jew, Infidel, or of no religion at all, to demand his admission to an University, unless immorality or ignorance could be alleged against him. The bill then went on, "And be it further enacted, that no statute, law, ordinance, decree, or grace made or passed by any authority whatsoever in any of the said Universities, or in any of the Colleges or Halls within the same, shall in any manner obstruct, limit, or qualify the plain intent and obvious meaning of the foregoing enactments; but such statute, law, ordinance, decree, or grace shall be to all intents and purposes void and of no effect." Now, what was the meaning of that clause? Surely, the obvious meaning of it was, that Dissenters, without reference to religious tenets, should have the right of entering the University, and that, if any College or Hall should attempt to adhere to an existing statute, or should attempt to pass a statute hereafter making attendance at divine worship in such College or Hall requisite, that statute should be of no effect.

Mr. George Wood said, the right hon. gentleman totally mistook the intention of the clause. It was never contemplated to apply it to any such purpose.

Sir Robert Peel: Why, I read the very words of the clause. Here was a gentleman who proposed to deprive the Universities of Oxford and Cambridge of that control over the education of the country which they had exercised so beneficially for a period of more than three hundred years, who undertook to violate every privilege which as corporations they possessed, and who took upon himself the office of director of education at both the Universities, who drew up a bill for their regulation which no man of common sense could understand. What, then, he asked, was the true interpretation of the clause? Did the hon. member, after recognising in the preamble of his bill the advantage of an academic education, and after urging that all men of every description of religious opinions should be admitted to the benefits of that education—did he mean to say, that if there were statutes at present in existence in any College or Hall which rendered compulsory, or gave the right of hereafter rendering compulsory, on all students, attendance at Divine worship, such statute was to remain in force; and, as a necessary consequence, did he mean to say, that the Dissenter was to be deprived of the benefit of the very first enacting clause in his bill? Was there to be a right in the Colleges to enjoin Divine worship or not? The hon. member, the author of the bill, said there should be such a right. The Colleges and Halls at the Universities did at present enjoin attendance on Divine worship. Were they to lose the power to require attendance, or did the hon. member propose leaving to the Colleges and Halls the right of enforcing existing statutes, and of making future regulations to the same effect? If the hon. member said, that, after passing the bill, the Colleges and Halls were to continue to enjoin and require attendance at divine worship, then he contradicted the preamble of his own bill. Would the hon. member state what he did mean by the clause which he had already read? If the laws now in existence at the Universities were enforced, or if future statutes were passed compelling the students to receive the sacrament, or attend the worship of the Church of England, the intent and meaning of the bill would be completely defeated. He interpreted the clause to imply, that the right of enjoining divine worship must be taken away from the Colleges to which Dissenters succeeded in obtaining admission, and to such a clause he, for one, never could or would give his assent. The subject under discussion was a very wide one; and he would therefore limit his observations to a statement of the reasons why the arguments he had heard had not produced an impression on his mind favourable to the bill, and why he intended to resist it altogether. The right hon. gentleman, the Secretary for the Colonies, in the course of his speech said, that the whole of the objections against the bill partook of the nature of that clamour which was raised against it in the University of Cambridge, and which proceeded on the assumption, that the present was one of a series of measures aimed at the existence of the Established Church. He did not hesitate to say, he considered it in that

light. It was impossible for him to read the declaration which was made on the 9th of this month, and put forward by the delegates of the Dissenters, in which they expressly declared, that, although they did not seek any participation in the estates of the Established Church for the sake of pecuniary emolument, yet they claimed as a right the severance of the Church and State, and the appropriation of all the property of the Church to secular purposes; it was impossible, he said, for him to read that declaration without having some doubt as to the ultimate designs of the Dissenters, and some fears as to the real objects proposed to be obtained by bills such as this. He was compelled to recollect, that various other measures of an analogous character were at present before the House. What, he would ask, did the noble lord intend to do with the bill for the abolition of Church-rates? The period of the session was now far advanced. That bill was not beneficial to the Church; and at the same time proposed a substitute which was not to the liking of the Dissenters. Did the noble lord intend to persevere in that bill or not? If he did not mean to convert it into law, it was a bill which, by condemning the Church-rates, would aggravate the difficulty of their collection, and provide no substitute for them. There was also another measure before the House, relating to the registration of births, marriages, and deaths, which deeply affected the interests of the Established Church. He admitted, that it might be right to give to the Dissenters a separate registration for their own congregations; but it was rather too much to take from the Established Church the registration of the births, marriages, and deaths of its own members. With regard to the appropriation of Church-property, he could not help recollecting that they were at present without any definite knowledge of what were the views on that subject of his Majesty's ministers. He did not profess to give any opinion of his own on the abstract merits of these different questions; but they appeared to him, one and all of them, to affect the interests of the Church of England. He had, therefore, a right to consider them separately, not upon their own abstract merits, but as forming parts of a whole. He was uncertain what meaning he ought to attach to the third clause of the bill, after the positive contradiction of its palpable meaning which had been given to it by the hon. member who had framed it. This, however, he would say, that nothing would be more surprising to the Cambridge petitioners than the answers which had been given by this bill to their petition. The petitioners called for the restoration of the ancient laws and laudable customs of their University; but he did not think the right of a Jew to be admitted at Christ Church, or of an Unitarian to be admitted at Trinity, was one of those ancient laws and laudable customs. When he read the last part of their petition, which was couched in the following terms:—"Your petitioners disclaim all intention of hereby interfering, directly or indirectly, with the private statutes and regulations of individual colleges, founded, as those colleges are, on specific benefactions, and governed by peculiar laws, of which the respective heads and fellows are the legal and natural guardians;" and when he contrasted it with the third clause, which declared that the statutes of the University were not to limit this act, he thought that the first feeling of those gentlemen who were of opinion that the heads and fellows of a college were its legal and natural guardians, would be one of deep regret that they had not postponed their petition for future consideration. His right hon. friend had said, "I have compared the system which prevails at the English Universities with that which prevails in America, in Germany, and in other countries; and though I admit that they have all produced many eminent men, I yet must claim for the Universities of my own country a superiority over them in all the distinctions of literature and science." Now, he would ask his right hon. friend what was the distinguishing mark between the Universities of England and those of every other country? It was religion. It was in vain to deny that position. It had been said, however, in the course of the debate, that the Universities of England were not theological seminaries, and that they did not limit their instruction to theological subjects. But if these were the only learned bodies in the state which supplied instructions to the ministers of the Church of England,—if 49-50ths of its pastors received their education within their walls,—if there was a wish on the part of the authorities to exclude from the Church all persons save those who had been educated at the Universities, it was in vain to deny that the Universities were schools of theological learning. They certainly united instruction in polite

letters and the affairs of the world with theological learning, and they embraced in one common system of education the future statesmen of the land, the future ministers of the Church, and the landed proprietors by whom the patronage of the Church was hereafter to be exercised. They sent forth from their schools such men as the hon. member for Wiltshire (Mr. Herbert), who had repaid the obligations which he owed to the University, not only by the talents which he had that night displayed in its defence, but also by the example which he had set as an English gentleman, of his anxiety to vindicate the cause of religion. If he were told that a new principle was to be adopted in the Universities, that religious instruction was to be no part of their system, then he would tell them in return what would be the consequence. The Dissenters would not have the benefit from their admission into the Universities which was now anticipated. Those institutions would be robbed by their admission of the principle, which was the charm and essence of their existence; and the Dissenters would not obtain those advantages the bill professed to give them. If religious instruction were discountenanced within them, could they long continue to be the nursing-places for a body of pious and well-educated clergymen? Could they be those renowned places for education which were now honoured in every quarter of the globe? With all religions sheltered within their walls, would not the different colleges be soon embittered by dissensions arising out of religious controversy? It had likewise been said, in the course of the debate, that Dissenters had already been admitted to the Universities; and this question had been asked, "What harm had been done by their admission?" To that question he would reply by another:—"In what numbers have the Dissenters been admitted? Are there now twenty Dissenters in both the Universities? If there were twenty Dissenters in the Universities, he believed that it would turn out that they were not known there as Dissenters. How were they known to be Dissenters? They might be the sons of Dissenters; but you could not call upon them for a declaration of faith, until the time came for their taking their degrees. They conformed to all the discipline of the Colleges; and that led him to ask the hon. member for South Lancashire, whether he intended to insist upon Dissenters attending divine service according to the discipline of their respective Colleges? [Mr. George Wood:—Yes.] "Then I will not (said the right hon. baronet) offer to the Universities the mockery which you propose. I will not say to the Dissenter, "I will remove from you all distinctions arising out of difference of religion," and then turn round upon him when I have got him to the University and say, "Now I have got you; I will compel you to attend night and morning at the chapel. I will compel you to attend to the theological lectures, which even call in question the religion which you profess." According to the present system, the Dissenter being admitted to the College by connivance, there was nothing to distinguish him from the rest of the students, and there was a hope even that ultimately he might conform to its doctrines; but if the present bill once passed, that hope was at an end; the Dissenters would be distinguished from the Churchmen, and the difference of opinion manifested among the youth, would only cherish the seeds of permanent dissension. The hon. and learned member who spoke last told the House, that the Dissenters were refused all honours at the Universities. Now, it might be presumptuous in a man like him, who had not been educated at Cambridge, to set himself up against one who for twenty-five years had taken part in its instruction. But he took interest enough in the affairs of the University of Cambridge to know, that in this very year a Dissenter had distinguished himself highly in his examination. The hon. gentleman might shake his head in doubt, but such most certainly was the fact, as he would find on enquiry. He had heard much of the liberality of the examinations at Cambridge; but such liberality as the hon. Professor had mentioned he had never before heard of. If he was ever to be submitted to public examination, he hoped that the learned Professor opposite might be his examiner. He did not however see why an examination conducted by a series of papers, printed and written, might not be as stringent as a *visd voce* examination. But if he might be permitted to pass by questions which he did not like, and if he might be permitted to pretend religious scruples whenever he was ignorant of the proper answer to them, he thought that the examination would not be attended with any great difficulty. He was afraid, however, that this mode of examination was not usual. He would ask the hon. member, was it usual,

were the young men at liberty to pass by a question which they could not answer to one which they could? [Mr. Pryme:—Yes.] He would not then pursue that subject any further. He had already said, that the present system afforded an opportunity of attaching the Dissenter to the Universities; but when he was admitted there upon his statutable right, then you would multiply the difficulty of his adhering to your church, without branding his forehead with the title of a recreant to his faith. He would proceed to the observations of the late Secretary for the Colonies, and he was bound to say, that the readiness of that right hon. gentleman to consent to the second reading of the bill, was a strong inducement to every body who opposed it to reconsider their opinion. He was likewise bound to say, that the right hon. gentleman was a true and sincere friend to the Church of England; and, to prove that point to the satisfaction of that House, it was not necessary for the right hon. gentleman to have made the splendid sacrifice which he had recently made on behalf of his principles. He was not, however, satisfied by the observations of the right hon. gentleman; and even if the bill were modified as that right hon. gentleman wished—and at the third reading he was certain that those modifications would be opposed by the Dissenters—he should still be compelled to oppose it. The right hon. gentleman said, that he would admit the Dissenters to degrees, and not allow them to interfere with the instruction. He thought that the right hon. gentleman would find as great difficulty in maintaining that position as he now felt in maintaining the principle laid down in the bill. He would proceed to notice an observation of the right hon. gentleman—he could scarcely call it an argument—which had been loudly cheered by the House. The right hon. gentleman had objected to the subscription of the Thirty-nine Articles by young men on their matriculation at Oxford. Now, there might be great objections to that practice; but that was not the question then before the House. He was not prepared to say, that it was material that the answers, as respected a belief in the Thirty-nine Articles, should be given before admission; and he might observe, that the University of Oxford had the complete power to postpone the period at which those answers should be given, although it might ultimately require them. But, supposing that Oxford were to adopt the practice of Cambridge, and to require only that the student, on entering, should declare that he was a *bonâ fide* member of the Church of England, in what respect would that benefit the Dissenter? Could persons who dissented from the Church of England, upon seeking matriculation, deliberately declare that they were *bonâ fide* members of the Church of England? In the course of the debate, reference had been made to the attendance at college chapel; and it had been said, that that attendance should not be insisted upon as a part of college discipline; but if there were any inconvenience on that score, the University could apply a remedy—it might diminish or change the hours of attendance. After all, the main question was this—shall there continue, as a part of the academical education afforded at the Universities, a necessity on the part of the student to attend the services of the Church, and to apply himself to instruction in religious matters? That was the real question; and all the other points touched upon in the course of the discussion were mere matters of detail, and wholly apart from the great principle involved in the present measure, namely, the continuance of the two Universities on that footing upon which they had rested ever since the Reformation;—the question was, shall that be adhered to, or shall it not? The right hon. gentleman said, he was willing to admit Dissenters to degrees, and to all the civil advantages which those degrees could confer. Now, suppose that step gained, would not the claims of the Dissenter to further advantages connected with the Universities be quite as good after that concession as before? Might he not lay claim to the same rights, and upon the very same grounds might he not insist, with as much show of reason then as now, upon being admitted to all immunities not necessarily connected with ecclesiastical offices or preferments? The degree which the right hon. gentleman proposed to give him would be a degree of inferior value, and, as such, it would prove unacceptable, certainly unsatisfying, and perhaps be considered quite as mortifying, as his present exclusion. How could they, after that, refuse the further demands of the Dissenting body? Could they say to the Dissenters, “We have granted you this limited privilege, but we will grant nothing further. We have ad-

mitted you to take degrees, but you shall still be a separate class. We will allow you to acquire honours, but you shall have no power to control the future destinies or future instruction of the University?" His experience showed him, that concession of that kind was a slippery ground to stand upon. It could not be, as the right hon. gentleman had represented, a deprivation of ecclesiastical privileges, but a formation of the Dissenters at the Universities into a separate class, who never would remain contented with the mere empty degree of Master of Arts, but would continue to strive after—nay, peremptorily to demand—a perfect equality in all things not necessarily connected with ecclesiastical affairs. He would put the case of two students intending to enter upon the profession of the law, the one a Dissenter, the other a member of the Church of England; either might have, he would suppose, a lay fellowship, if the religious scruples of one of them had not happened to stand in the way. The Dissenter might stand more in need of such fellowship. He would then put it to the right hon. gentleman to say, how he could, upon his own principles, refuse the claim of the Dissenter to a collegiate advantage not necessarily connected with ecclesiastical affairs?—by what right could he establish such an invidious distinction on a matter merely of civil benefit and advantage? To his mind it did appear infinitely more rational and consistent to proceed according to the recommendation of the hon. member for Leeds, and grant to the Dissenters a full and equal participation in all the advantages of the Universities not necessarily of an ecclesiastical or spiritual character. As he before observed, it would be necessary for him to condense into as narrow a compass as he could the few observations which, at that late hour of the night, he should feel himself warranted in submitting to the House. He hoped he had succeeded in showing, that there was nothing in the arguments of the last speaker, or in those of the right hon. member for Cambridge, to warrant any change in the impression left on his mind with respect to the present question, or that what they had said was, in any respect, sufficient to induce him to withdraw his opposition. But he could not, upon an occasion like that, avoid taking an extended view of the question which they had to decide. They had but a short time since removed all the civil disabilities under which the Dissenters laboured by the repeal of the Test and Corporation Acts; they had given to the Roman Catholics a complete measure of relief; they had effected a vast change in the constitution of parliament; and the question at length resolved itself into this—were they or were they not to maintain within the United Kingdom an established religion? In all the various discussions which they had, as well upon the measure of Roman Catholic Relief, as upon the repeal of the Acts affecting Dissenters, the whole of the questions, in each instance, were confined to civil and political privileges. There never was the slightest intimation that the removal of those disabilities would lead to further demands, and lay a ground for ulterior claims; their warmest advocates, Mr. Fox and Mr. Grattan, never held the opinion that, when the disabilities of the Roman Catholics were removed, and the grievances of the Dissenters redressed, the State should, in consequence thereof, be precluded from maintaining an established religion. Such an opinion, such a wish, had never been expressed by any of the great men who, at various periods, had come forward as the zealous advocates of a repeal of the civil disabilities under which some portion of their fellow-subjects formerly laboured; and he contended, not on the narrow ground that, as a member of the Church, he was therefore anxious to sustain the Church,—not on the sordid and selfish ground that to the present members of the Church should be limited all the advantages of the Church; but he contended, for the common benefit of all classes within this realm, for the benefit of all denominations of Christians, Dissenters as well as members of the Church of England, that there was an inestimable advantage in maintaining the Established Church, protecting us from superstition on the one hand, and from fanaticism on the other—promoting the decent observance of divine worship, and securing us a continuance of that tolerant system which, he would venture to say, the Church of England, above all other churches in the world, had most fostered and encouraged. Upon these grounds he contended that, for the benefit of the community at large, no matter what their form of religious belief, it was absolutely necessary that they should maintain, within this kingdom, the inviolability of the Established Church. He was convinced, that many of those who would otherwise dissent from the

measure at present proposed, had been induced to give their support to it from a mistaken belief, that it would not tend to undermine or impair the stability of the Established Church. The right hon. gentleman, the late Secretary for the Colonies, was one of these. He was as anxious to maintain the inviolability of the Established Church as any man; and the only difference between the right hon. gentleman and himself was not, that they pursued different objects, but in agreeing as to the best mode of attaining what they pursued in common. If his construction of the bill were right—if the House meant to send this measure down to both the Universities, overturning their privileges, invading their corporate rights, undertaking, on the part of parliament the management of that discipline which heretofore had been administered exclusively by the Universities themselves—if it did that, and if his construction of the bill were correct, they would ruin the Universities as schools of religious instruction, and thereby strike a fatal blow at the integrity of the Established Church. What was meant by the term “Established Church,” or “Established Religion?” It was not the stipend attached to the performance of religious duties—it was not the value of the living which a minister of the Church might hold; it was merely that legislative recognition by the state of one particular form of religion which it declared should be the established religion of the country, and which, as the established religion, should have preference before all other forms of religion. But if, instead of affording it that preference, it was said, that the Universities which had the education of its ministers should not have the right to insist upon their students attending either upon divine service, or to any course of religious instruction which could interfere with the prejudices of the Dissenters who might be admitted within these walls;—if this course with respect to the Universities were taken, that was depriving the Established Church of one of the greatest advantages to which, as the disseminator of the doctrines of the recognised religion of the land, it had an undoubted and indisputable claim. Entertaining the views which he had laid before the House, and under the influence of the reasons which he had stated, he must be permitted to say, that if they passed the present bill—if they discountenanced the Universities as schools of religious instruction—if they entitled Dissenters to enforce their claims by means of a *mandamus* from a Court of Law—and if they put an end to the connexion subsisting between the Church and the Universities,—they would do an act of infinite prejudice to the former, without achieving any advantage for the Dissenters.

Lord Althorp, Mr. O’Connell, Lord Sandon, and Mr. George Wood having addressed the House, the motion for the second reading was carried by 321 to 147; majority, 174. The bill was then read a second time.

TITHES (IRELAND).

JUNE 23, 1834.

On the motion of Mr. Littleton, the Tithes (Ireland) Bill, was ordered to be re-committed.

The question having been put that the Speaker do now leave the chair,—

Mr. O’Connell rose, and after taking a rapid view of the principal features of the bill, which he described as falling far short of his anticipations, concluded a most brilliant and effective speech, by moving, as an amendment, “That after any funds which should be raised in Ireland in lieu of Tithes had been so appropriated as to provide suitably, considering vested interests and spiritual wants, for the Protestants of the Established Church of Ireland, the surplus that remained should be appropriated to the purposes of public utility.”

In the long discussion that ensued,—

SIR ROBERT PEEL (in reply to Mr. Secretary Rice) found it quite impossible to resist the appeal which had just been made to the House by his right hon. friend; and he would therefore tell him what were the objections which he felt against the commission which had been issued. He would endeavour to satisfy his right hon. friend by stating as briefly and distinctly as he could the grounds of his objections. He objected, then, to the issuing of this commission, because up to this hour, judging

from the speeches of his Majesty's ministers, the motives assigned for it were unintelligible. He objected to the issuing of this commission, because, if ever there was a time when the king's government should have attempted to settle the unsettled opinions of men upon questions of property, this was the time. He objected to the issuing of this commission, because all the information which was necessary to enable the executive government to form an opinion on the general principles of the measure which they evidently contemplated, was already in the possession of the government. He objected to the issuing of this commission, because it was calculated, in a country already convulsed to its centre by religious discord, still more to embitter every existing source of irritation. "This commission, indeed!" said the right hon. baronet; "You separate yourselves from colleagues whom you admit to be of the highest character, on the great principle, as you say, of this commission. The principle on which they have rather separated themselves from you is, that they differ from you as to the moral and equitable right of parliament to appropriate to other than Church purposes the property of the Church. You have, however, consented to that separation; and under such circumstances, with all the elements of confusion which are now abroad, is it too much to ask the ministers of the Crown, what are the principles on which their administration is formed? You objected to the motion of the hon. member for St. Alban's, which asserted a fact, and maintained a principle, and you now object to the motion of the hon. and learned member for Dublin, which contains no fact, but asserts the principle that parliament has a right to appropriate to purposes of public utility the revenues of the Church of Ireland. You say that your principle is in your commission. I look at your commission and find it headed—what? Appropriation of the revenues of the Church of Ireland to secular purposes? No; I find it headed "Public Instruction." The commission into which you tell me to look for your principle is headed with a fraudulent title. It bears on the face of it "Public Instruction (Ireland)," as if its mere object were to add one other to the countless enquiries that have already been made into public instruction in that country. When an attempt is made to explain the real objects of this commission, there is manifest contradiction between the members of the new government. The noble lord (Lord John Russell) says, that he has made up his mind that the Church in Ireland is the greatest grievance of which any country ever had to complain; but the right hon. member for Cambridge (Mr. Spring Rice)—he an Irishman—he who knows more of Ireland than any other member of his Majesty's government—adopts a tone, in speaking of the Church, directly different from this. He says, indeed, that he has certain notions on the subject, but that this is not the time at which he thinks it proper to explain them. He is bursting with practical knowledge—his life has been spent in Ireland—he has originated and directed enquiries in every form bearing upon this particular subject; nay, he has made up his mind to the principle on which we ought to act, but, instead of enlightening our ignorance, and announcing his principle, what is the course he intends to pursue? He consents to new enquiries, which, judging from the experience of similar enquiries, cannot be completed if they be properly conducted within a period of four or five years. All Ireland is impatient for some decision—Church property is in danger—the authority of the law is daily declining through indecision and suspense;—and his Majesty's government, instead of leading the public mind, by pronouncing an opinion on this subject, issues a commission "to our trusty and truly beloved Thomas D'Oyley, Sergeant at Law, Thomas Lister, John Wrottesley," and so forth. They despatch to Ireland a set of gentlemen, most of whom probably were never in Ireland before, to institute minute enquiries into every single parish of that country, for the purpose of collecting, according to the Lord Chancellor, statistical information. Well, but all the information as to facts that you can require, you have already. There is nothing contemplated by the commission which is not at hand, excepting indeed one thing—one thing, which I should have thought the king's government, and not Sergeant D'Oyley and his brother commissioners, was the proper authority to consider and decide upon—namely, the moral and political bearings of the Church establishment upon the social interests and condition of Ireland. I will prove to the House that you are now in possession of all the elements which you can require for the formation of your judgment as to the practical course which ought to be pursued. Take, if you please, additional time for consideration, but do

not insult us with the mockery of needless and mischievous enquiries. Do not employ your trusty and well-beloved Sergeant D'Oyley, and a host of well-paid commissioners, upon functions which are the proper functions of the king's government. I proceed to the proof—that so far as mere enquiry into facts is concerned, this commission is perfectly superfluous. On the face of it, it contemplates three main objects of enquiry; first, the population of each parish in Ireland, and the proportions of each class, churchmen and dissenters; secondly, the means of education which exist throughout Ireland; and thirdly, the present revenues of the Church. Are not those the three main points on which the commission is to collect information? I will prove to demonstration, to the conviction of every man who listens to me, that you are in possession of the fullest information respecting those three heads of enquiry, and that this commission is the greatest delusion ever practised upon a credulous assembly. First, let us consider the enquiry as it respects the population of Ireland. Before you are to do any thing consequent on the labours of this commission, you are to obtain a report on the state of the population in each parish in Ireland, and the respective numbers of the Established Church, and of Roman Catholics, and of Dissenters. Observe, these enquiries are to be conducted on the spot. The commissioners must repair in person to each parish—and there are 2,500 parishes in Ireland. By the terms of the commission, the commissioners are bound to make their appearance in every parish, and to ascertain these points on the spot by the best evidence they can procure. Now, we have the population returns for every parish in Ireland up to the year 1831. Those returns were only printed in 1833, and yet it is now proposed, in 1834, that we should issue a new commission to procure fresh information as to the population of each parish in Ireland. But not fewer than 1,200 persons were employed in making and collecting the last population returns, and I find that each enumerator in the county of Waterford had £45, 10s. for his trouble. If, then, the enumerators were all paid at the same rate, the cost of enumeration alone would be £54,000. I admit, that you do something more by this commission than merely enumerate; you distinguish the Catholic and Protestant population in each parish. Up to this hour, you have carefully avoided marking that distinction of religious creed. You have been pressed heretofore upon this point. You have been called upon to make a return of the number of Protestants and Catholics respectively employed in the police and other departments of the public service. The answer which you have always given, up to this day, to such applications, was—"No, we have removed the Catholic disabilities—we have rendered all classes of his Majesty's subjects equal in the eye of the law, and therefore we cannot consent to recognise in official records any distinction between Protestants and Catholics." This commission, however, is to travel into each parish to ascertain, not only the amount of the population, but also the exact proportion between those who assent to, and those who dissent from, the doctrines of the Established Church. As far as the population of Ireland is concerned, with the exception of that mischievous distinction which the commission is to make between the Protestant and Catholic parts of it, you have the fullest and most accurate returns which you can require. Then as to education. If there be any subject on which your information respecting Ireland is complete, it is this. I will commence by reading you an extract from the education report of 1828, drawn up by the member for Cambridge (Mr. Spring Rice). He says, "Enquiries have at different periods been instituted both by committees of parliament and by parliamentary commissioners, appointed for the purpose of considering the state of education in Ireland. Of these, the most important are the two latest. The first of these commissions was issued in 1806, and produced in six years fourteen reports. The second commission was issued in consequence of an address from the House of Commons to his Majesty in 1824. This last commission has led to nine reports." So that you have now twenty-three reports on the subject of education in Ireland. I will present you with a specimen of one of them. This [the right hon. baronet held up a large folio volume] is one. Perhaps you think that these reports do not enter into sufficient details. Now, if ever a book was encumbered with details in quantity sufficient to afford the fullest information to the greatest statist that ever lived, this is that book. It ought to satisfy the most ravenous appetite for statistical information. It contains an account of every school in Ireland, of the barony in which it is situate, of the diocese to which the barony belongs, and

the name of the townland or place in which the school is established? Are you not content with this? Are you desirous of knowing the names of the master or mistress of every school in Ireland?—you have them in these reports. You would perhaps wish to ascertain the religion of the masters and mistresses whose names you know? That, also, you will find in these reports. Nay, more, under the next head you have information whether the school be a day-school or a free-school; then you have an account of the income of the master or mistress; and next you have a very exact and minute description of the school-house. This volume contains 1,333 pages; and I will take one instance out of it—the school at Ballibay. And yet “our trusty and well-beloved Thomas D’Oyley, Sergeant-at-law,” with ten learned coadjutors, is to be sent to examine into the state of this school. The entry states, that the school of Ballibay is in the diocese of Clogher, in the townland of Clogher. The name of the master of the school is Riley, and Riley is a Protestant. His average income is £11, 3s. The school-house is a thatched house; it has a clay floor; and it cost £6, 14s. Among the scholars there are fifteen Protestants of the Church of Ireland, thirty-six Presbyterians, and thirteen Roman Catholics. That, be it observed, is the Protestant return; but do not suppose that one return is sufficient—for the purpose of checking the first, a second and a Catholic return was also sent in, and it states the Protestant scholars of the Church of Ireland to be twelve, instead of fifteen, the Presbyterians to be fifty-six, and the Roman Catholics to be twenty-two. But this is not all—the number of male scholars is fifty, and of females forty. The school is assisted by the Hibernian Society in Sackville-street. The Scriptures are read in it, according to the authorized version. Now, surely, here is information in abundance respecting the school of Ballibay, and information equally abundant respecting every school in Ireland is at this moment in your possession. We come to the last head of enquiry—the state and value of the benefices in Ireland. You have three commissions at this moment in Ireland making enquiries into that point. In the first year of his present Majesty’s reign, you issued a commission to enquire into the state of the several parochial benefices in the respective dioceses in Ireland; first, whether they are separate or united parishes; secondly, what is the annual value of the several parishes; thirdly, the contiguity of the several parishes in a union to each other; fourthly, the fitness of dissolving such unions; and lastly, the amount of the salaries paid to curates. In the third year of the reign of his present Majesty, you issued another commission, and this is the recital of it: “Whereas we have thought it expedient, for divers good causes and considerations us thereunto moving, that a full and correct enquiry should be forthwith made respecting the revenues and patronage belonging to the several archiepiscopal and episcopal sees in Ireland; to all cathedral and collegiate churches; to all ecclesiastical benefices, including donations, perpetual curacies, and chapelries, with or without cure of souls, and the names of the several patrons thereof, and other circumstances therewith connected.” In that commission, which is not purely ecclesiastical, are the names of Lord Plunkett, the Duke of Leinster, the Marquess of Downshire, Lord Ormond, Sir Henry Parnell, and Sir John Newport. Have you not, then, two commissions to supply you with all the information you can want relative to the value of every benefice in Ireland? But even this will not satisfy you; for in the last year you instituted another commission, and you passed an act compelling a valuation of every living in Ireland—compelling a valuation, in order that a tax might be levied upon the living—and compelling a return of that valuation before the 1st of December, 1833. Moreover, you gave to this, the third commission by statute, the power of administering an oath to all persons who came before it. The commission now issued has not that power, and is therefore less complete. Then, again, I ask, as I am surely entitled to ask, for what object is this new commission issued? For what other object can it be issued, but that you may be enabled to conceal for a time your own differences, and postpone the evil day of practical decision? Do you really think, that it can conduce to the tranquillity of Ireland to keep the great principle which is involved in these discussions in abeyance till such complicated and miscellaneous enquiries can be completed, or that long delay can have any other result than to increase present difficulties? Sir, the question is simply this—has parliament the right—not the abstract legal right, for who can doubt its right in that sense—but has parliament the moral and equitable right to appropriate Church

property to secular purposes? And is it safe, in times like these, to set an example of such interference with property? You claim for yourselves the merit of speaking out. I deny that you speak out. I say that the opinions publicly delivered by the members of the king's government are at variance with each other. With the exception of the right hon. gentleman (Mr. Ellice), who certainly did speak out, all the opinions which I have heard leave me in great doubt as to what are the ultimate intentions of the king's government. They speak not of the present—but throw out some vague intimations of the course they may take under certain contingencies. In the present state of the revenues of the Church in Ireland, I cannot conceive what object of public policy can be served by mooted the hypothetical case, that if any surplus is found to exist, it shall be devoted to secular purposes. Why not reserve the declaration of a principle till you have ascertained the fact on the existence of which its application depends? At one time you say, you do not think it necessary to announce your principle till you have gathered information. The right hon. gentleman (Mr. Rice) cheers me when I say, that you reserve the annunciation of the principle. If that be his opinion, how does he reconcile it with the speeches which some of his colleagues have delivered this evening? The noble lord says—I took down his words—“If there be a surplus, whatever the amount of the surplus may be, I would devote it exclusively to moral and religious purposes.” The noble lord then contests the right of parliament—I speak of the moral and equitable right, and not the absolute right—to devote it merely to secular purposes. [Lord Althorp: No.] What, then, is the meaning of the noble lord's saying, that he will devote it only to moral and religious purposes? How does this property of the Church, I would ask him, differ from other property, as, for instance, property possessed by corporations? If it differs altogether in its nature from other property, why has not parliament an absolute control over it. I can understand the man who tells me, that he considers all property, lay or ecclesiastical—individual or corporate—to be sacred. I can understand the man also who says, “If I can promote the doctrines of the Gospel, I consider myself at liberty to promote them, by another distribution of the revenues of its ministers than that which was originally contemplated.” Again, I can understand the hon. and learned member for Dublin, who says, the Church property was granted for Catholic uses, and therefore he claims it for such uses; but I cannot understand the noble lord, who tells me that he respects the right of property, and yet is ready to divert the property of the Church from ecclesiastical purposes. If the noble lord had contended, that the revenues of the Church were given for religious purposes, and that he will, therefore, apply them to the maintenance of the Catholic religion, he might be intelligible, but “No,” says the noble lord; “the object from which I would specially except the appropriation of the revenues of the Church is the Catholic religion.” How narrow, then, is the ground on which the noble lord takes his stand! One gentleman has claimed the right for parliament to appropriate, if it should so think fit, the revenues of the Church to New South Wales; but this, says the noble lord, would be little less than sacrilege. But if parliament has a right to appropriate the revenues of the Church at all, why has it not a right to appropriate them, if it pleases, to the benefit and improvement of New South Wales? The gentlemen who pride themselves on speaking out, as they call it, do not even understand the distinctions which they themselves draw. The noble lord in this House, and the Lord Chancellor in the other House of Parliament, have expressly excluded the Catholic religion from the benefit of this appropriation. “We have already provided,” say they, “for the Presbyterian religion, and we will on principle exclude the Roman Catholic.” To what object, then, are you to appropriate the property of the Church? I am speaking now of those who say that they speak out, and for my life I cannot understand them. The noble lord (Lord Morpeth), the member for Yorkshire, who speaks always with great ability, and certainly with very mature deliberation, said, that he much doubted whether we had a right to appropriate the surplus, supposing it to exist, to any purposes of charity not directly connected with the Protestant faith. The noble lord has, it appears, a lingering respect for the property of the Church, but he would have the Church to hold it by a singular tenure; for, says he, “If the young men at Oxford continue to make a riot in the theatre as a proof of their attachment to the Church, I cannot respect Church property any longer.” The noble lord is uncertain as to the existence of a surplus; but if there be a large sur-

plus, he is doubtful whether we have a right to apply it to the mere purposes of charity. He abjures also the notion of appropriating it to the maintenance of the Catholic religion. He will not do more than appropriate it, for I took down the noble lord's words as he spoke them; he will not, I say, do more than appropriate it to "moral, spiritual, and Christian consolation." [Lord Morpeth: I did not say consolation—I said edification]. Well, then, edification. If there be a surplus, it is to be confined, according to the noble lord, to moral, spiritual, and Christian edification; but edification in the Protestant religion—for the noble lord would exclude the Roman Catholic religion from any participation in the revenues of the establishment. Now, the advantages to be derived from this species of spoliation appeared to him to be so exceedingly small, that he, for one, would not consent to violate the great principle of prescriptive right to obtain them. He would not undermine the foundation of all property, in order, if there were an excess of Church property over the legitimate wants of the Church, to devote that excess to the moral, spiritual, and Christian edification of the people. He could not discover the distinction between the two purposes. For what was the Church intended, but for moral and Christian edification, if the term "Christian" implied, as the noble lord meant it to imply, the doctrines of the established religion? Here was a species of property resting on the prescription of 300 years, the inviolate maintenance of which was decreed at the union of the two kingdoms. The hon. member for St. Alban's, in his speech the other night, had said, that there was no condition of inviolate maintenance imposed upon parliament at the time of the Union. In support of that position, the hon. member had referred to certain speeches of Mr. Pitt, in which the right of parliament was asserted to deal with certain matters which were not very clearly defined. But he affirmed, that the expressions of Mr. Pitt had no reference whatever to the right of parliament to deal with the property of the Church, but had reference to the necessity of reserving to parliament the right of removing the civil disabilities that pressed upon the Catholics. To prove that position, he stated that the Irish parliament had sent over to this country certain resolutions as the conditions on which they would assent to the Union, and those resolutions were confirmed by the parliament of this country, and sent back to Ireland. In those resolutions it was expressly stipulated, that every right and privilege which the Church of Ireland had enjoyed before the Union should be preserved to it after the Union. Now, under the terms "rights and privileges," who could doubt that the right of the Church to its property must have been included? Here, then, was a right of property resting upon prescription, confirmed not merely by an act of parliament, but by a solemn national compact; and should he violate that right with a view to devote an unascertained and very doubtful surplus to purposes so vaguely and unintelligibly defined? If ministers had told him, that they had ascertained there was a large surplus, that a splendid robbery might be committed, that they had the means, through that robbery, of lightening the public burthens, he could conceive profligate men rejoicing in a magnificent spoliation, and dreaming that the gain was an apology for the crime. But what were the facts of the case? There were 2,450 parishes in Ireland, and 1,200 churches were now existing for the performance of the service of the Protestant religion. Was it meant to abandon or maintain those churches? Did they mean to appropriate them to purposes other than those to which they were now applied? After deducting the lay advowsons, the property of private individuals, which stood on quite a different footing from the rest, and could not be pretended to be the property of the state, if the whole Church property of Ireland were divided equally among all the parishes (a principle which he hoped never to see adopted), the result would not be such as to indicate any extravagant surplus, after making an adequate provision for the incumbents of the several parishes. He repeated, that he objected altogether to the principle of an equal division of Church property—he did so, because he wished to see the present incentives to exertion continued, and because he conceived it fitting that the clergy should be enabled to exercise an appropriate influence, not only on the lower, but also on the higher classes of society. He saw no reason why the spiritual profession should be degraded, and why there should not exist inducements calculated to attract men of talent and attainments to the Church, as well as to the bar and other professions. But suppose they were to adopt the principle of equal distribution, he doubted whether it would give an income

of £300 a-year to each incumbent. The right hon. gentleman, the member for Cambridge, seemed to rate the Irish Church revenues higher, and said, that if he found that they would give an average to each benefice of £500 a-year, while, in England, the average did not exceed £300 a-year, the difference would afford a conclusive reason for diminishing the Church revenues in Ireland. He denied that position altogether. There might be good reasons for paying clergymen more in one country than in another, on account of the greater privations which they must endure, and other more unfavourable circumstances of their situation. The hon. and learned gentleman (Mr. O'Connell) made a remark pregnant with truth. He intimated, that in these times, revolutions in opinion were not effected in centuries or years, but in months. It was on account of the rapidity of such revolutions that he had called on his Majesty's government to exert themselves to arrest the progress of destructive opinions, and sway the public mind by a positive declaration of their own sentiments. There would have been less danger in the government declaring their opinion that a surplus did exist, and they were prepared to appropriate it, but to preserve the remainder, than in leaving the question open as they now did. God forbid, that the government should ever see reason to come to such a decision as he had referred to with respect to a surplus! but even that might be less dangerous than their present mode of dealing with the subject. Nothing could be more unwise than to raise a cry of "Church in danger" on fictitious grounds, because false alarms produced distrust and negligence, and rendered appeals vain when the period of actual danger arrived; but when one minister of the Crown told them, that the Church of Ireland was one of the greatest grievances of the country, when the king's government countenanced the assertion, and when the Dissenters required a separation between Church and State, let not gentlemen be scared from the performance of their duty, by the imputation that they were raising an unfounded cry, and pretending fears for the safety of the Established Church which they did not really entertain. They asked not for the re-enactment of civil disabilities or religious penalties, but on this ground they took their stand (and by the blessing of God they would maintain it)—they would protect the connexion between Church and State, and the integrity of Church property. If it were said that was a novel doctrine, he said, No; it was a doctrine repudiated only in consequence of those rapid revolutions in opinion to which the learned gentleman had referred with so much exultation. The opinions which he held were identical with those which were held at no distant time by men who claimed for themselves the title of the warm and tried friends of toleration, and the protectors of civil and religious liberty. He spoke not of Burke, he spoke not of men who lived at times remote from the present—he spoke not of men who entertained political opinions in accordance with his own—he spoke not of doctrines accommodated to an unreformed parliament; but of the sentiments avowed by members of the present government since they came into office, with reference to the Irish Church. If the opinions that he entertained were extravagant, what could be said of those of Earl Grey? The noble earl did him the honour of quoting an opinion which he had given in that House, and by that opinion, rejecting the erroneous construction put upon it, he was prepared to abide. He was ready to promote, by every means in his power, the maintenance and extension of the Protestant religion in Ireland; and if any mode were proposed by which men, really friendly to the Church, and actuated by *bona fide* intentions of contributing to its stability, could, by a different distribution of Church revenues, advance the interests of the Established Church, and extend its influence, he was ready to consider with favour such a proposal. In holding the opinion, that Church property ought to be devoted exclusively to purposes connected with the Established Church, in what respect did he differ from the opinions expressed by Lord Grey so recently as February, 1832? Earl Grey presented a petition from the inhabitants and landowners of Rathcaren, in Ireland, praying for the abolition of tithes and Church-rates, and that the Church-lands might be resumed and disposed of, for objects of common interest to all the inhabitants of the realm. The noble earl said, "he presented the petition as a peer, and in that capacity only. He, however, need scarcely state to their lordships, not only that he did not approve of such a measure as the petitioners recommended, but that, if a project of that nature were proposed by any one, it should receive from him the most decided and determined opposition. He saw the urgency of effecting some

improvement in the mode of making provision for the clergy in Ireland; but he would unequivocally state, that he could never think of making any such improvement in the modes of providing for the clergy without fully securing to the Church its just rights." What also did Lord Plunkett say on the same subject?—"Obscure and humble individuals in Ireland might entertain the extravagant notion, that the government of this country was not unwilling to sacrifice the rights of her Church. That such persons, looking at their station in life, might entertain such opinions was not very surprising—in them, perhaps, it was excusable. But it was a very different matter when suspicions of this nature were cherished and were disseminated by persons of high rank and influence in society." What was the report made by the tithe committee, of which the Marquess of Lansdowne was chairman? On what conditions had he been invited to accede to measures of Church Reform? Those questions would be best answered by a reference to the reports of the Lords' committee, and to a speech delivered by Lord Lansdowne in March, 1832. The report stated: "That with a view both to secure the interests of this Church, and the lasting welfare of Ireland, a permanent change of system will be required; that such a change, to be satisfactory and safe, must involve a complete extinction of tithes, by commutating them for a charge upon land, or an exchange for an investment of land, so as effectually to secure the revenues of the Church (as far as relates to tithes), and at the same time, to remove all pecuniary collision between the parochial clergy and the occupier of land." The second report had this paragraph—"The clergy are thus, in too many instances, deprived of that just and beneficial influence which their general conduct and habits so well qualify them to exercise, even over persons of a different religious persuasion; that, for the purpose of giving greater facility to effect such investments in land for the benefit of the Church, or exchange of land for tithes, all stamps should be remitted, and government enabled to make advances to landlords." Lord Lansdowne, speaking upon the same subject, said: "Far be it from me, my lords, to recommend those modes by which, in some places, the tithe has been removed on the principle of spoliation, and without an equivalent being paid to the Church to which it belonged; and I only allude to the modifications which have taken place, for the purpose of showing that wherever the tax has been in operation it has been dealt with according to the circumstances of the country. In some places, as I have said, the Church has been spoliated of its property; but this is an example to be avoided, and not to be imitated." "It is impossible for your lordships not to see in what an independent condition the clergyman will be placed by a commutation of tithes, as compared with the mode in which he receives his income under the present system." "It gives me great pleasure (continued the noble marquess), as the organ of the committee, to move the resolutions,"—and, of those resolutions this was the last—"That it is the opinion of this House, that with a view to secure both the interests of the Church, and the lasting welfare of Ireland, a permanent change of system will be required, and that such a change, to be satisfactory and secure, must involve a complete extinction of tithes, including those belonging to lay impropriators, by commutating them for a charge upon land, or an exchange for, or investment in, land." These were the opinions of members of the government in 1832. If they had since changed their opinions, he was not the man to debar them from the right of reconsidering their previous sentiments; but it was but fair that they should manfully state the grounds of the alteration. Such, however, were the declarations made by some of his Majesty's ministers on the subject of the Irish Church and its rights of property so recently as the year 1832. These same ministers had, by their more recent declarations, placed this property on the worst possible footing. They had unsettled the minds of men on matters essential to the security of all property and all rights. In November next tithes must be collected, either by the Church or the government. What was then to be done? The difficulty they might have to contend with would have been obviated by a declaration, on the part of the Crown and its advisers, in defence of Church property. When the tithe-payer heard that the opinions of the government were not fixed, that they claimed a right to appropriate a possible surplus of Church property to secular purposes, he would be too apt to argue—"I was content to abide by the laws which recognise and protect property; but if you give them up and set the example of spoliation as regards the Church, I see no harm in following that example, and in preferring my

claim to a share in the new appropriation." "In my opinion, the property of the Church is protected by law—protected by prescription—protected by positive stipulation, as a condition of the Union; and, if increased difficulties should arise in asserting the right to that property, I shall hold the king's government, and their new commission, chargeable for the consequences."

Lord John Russell having replied, the House divided on Mr. O'Connell's motion; Ayes, 99; Noes, 360; majority, 261.

CHURCH TEMPORALITIES AND TITHES (IRELAND).

JULY 4, 1834.

On the motion of Mr. Littleton, the House went into Committee on the Irish Church Temporalities Act.

After a short discussion, SIR ROBERT PEEL stated that he did not wish to debate the question at present; but he was anxious, before the committee did so, that they should have an explicit statement of what was intended. If he understood his right hon. friend's statement, he estimated the maximum charge for commuting ecclesiastical tithes at £100,000 a-year, and the maximum charge for commuting lay tithes at £20,000 a-year; that was, a charge of £120,000 a-year on the consolidated fund for ecclesiastical and lay tithes. The right hon. gentleman calculated that the amount of the perpetuity purchase fund would be £1,200,000; that £91,000 a-year would arise from various sources of revenue under the Church Temporalities act; that there was an annual charge on this of £66,000, thus leaving to him a surplus of £25,000. The interest on the £1,200,000 at $3\frac{1}{2}$ per cent would be £44,000 a-year. This sum added to £25,000 would make up £69,000 a-year, which was to make up for the money taken from the consolidated fund. The right hon. gentleman calculated the maximum charge at £120,000 a-year; and, if he were not mistaken, the bonus on some lands was to be 40 per cent. [Mr. Littleton said, the bonus could not exceed 40 per cent., nor be less than 20 per cent.] There was, however, no security whatever with respect to lay tithes; that, in point of fact, as had been stated by an hon. member, although he could not say that he exactly understood the image, the security was chargeable on a vortex. The total loss that might be sustained, supposing, as had been anticipated by the right hon. gentleman, that the deficit would be equivalent to the difference between £120,000 and £69,000, would be £51,000. This, then, was the probable charge that the consolidated fund would have to bear. He would not then go into the argument, but he wished to have the case clearly put before he proceeded. In his opinion, however, something more than this measure was necessary if it was to be what the right hon. gentleman had described it, namely, a permanent settlement of the tithe question. The noble lord, however, had stated, that hereafter they were to consider some better arrangement, so as to relieve the consolidated fund of this charge. Was it not absurd, then, to talk of a final settlement of the question when they were talking of future arrangements?

After some remarks by Mr. Stanley and Lord Althorp—

Mr. Hume rose, and, after charging the government with inconsistency and weakness, proposed the following amendment:—"That it is the opinion of this committee, that the surplus monies to the credit of the Ecclesiastical commissioners for Ireland in the perpetuity purchase fund to be kept by the said ecclesiastical commissioners, pursuant to the provisions of an act passed in the last session of parliament, intituled, "An act to alter and amend the laws relating to the temporalities of the Church of Ireland," shall be applicable to such purposes for the adjustment and settlement of tithes in Ireland, as shall by any act, to be passed during the present session of parliament, be provided."

In the long debate which followed—

SIR ROBERT PEEL said, there were two principles involved in the question under discussion. The first was, that the public should be called upon to contribute a certain sum to make up the deficiency which would arise from the adoption of the change to the Irish land proprietors. There was, in short, to be an absolute charge

of £60,000 on the public purse, the payment of which there was not the smallest ground to hope. To that he decidedly objected. But there was another principle involved in the resolution. That principle was, that by way of providing a partial compensation to the public revenue for the amount it was to contribute, the fund which, by a solemn act of parliament, passed only so far back as the session of 1833, was established and set apart for purposes of a strictly moral and religious character, was in the session of 1834 to be shamefully violated, and made applicable to purposes of an entirely secular nature. The adoption of such a principle could not but tend to shake all confidence in the decision of his Majesty's government, and of the legislature; and if no other member raised his voice to protest against and denounce it, it should meet with his unqualified condemnation. He objected to the two principles on which the resolution was based; but on a still more decided ground he objected to the resolution itself, namely, because it tended to throw much greater obstacles in the way of the final settlement of the difficult question of tithes than the measure which was brought in by his Majesty's government in February last. The measure then introduced by the present government proceeded on the true principle—it was in conformity with all preceding measures on the subject of tithe, and was intended to do that which constituted the only security for the Established Church, and the permanent tranquillity of Ireland; at least, after the course which had been taken, after the omissions to enforce the law, and after the violation of all authority in that country—the only course, he repeated, which was left for the legislature to adopt was, to encourage the redemption of tithes. He thought that had been the object of his Majesty's government. Their rallying cry last year had been the extinction of tithes, and in February, accordingly, they introduced a measure which contemplated their extinction by means of redemption. But they now departed from that principle, and were going to make tithe a permanent charge in Ireland, under the name of a rent. Why, what distinction was there? In point of fact, they borrowed the plan of the hon. and learned gentleman, the member for the city of Dublin; and having stolen his child, like other plagiarists, as Sheridan said, they attempted so to disfigure it, as to make it impossible for the hon. and learned gentleman himself to recognise his own production. And how well they had succeeded! They had been kicking, and hacking, and cutting the unfortunate bantling which had been produced only a few weeks since, so that in point of fact the hon. and learned gentleman could not be made to own it. But the noble lord (the chancellor of the exchequer) said, "Pay this out of the consolidated fund, and do not refuse to provide future peace and tranquillity for Ireland by refusing the paltry sum of £60,000." Now, undoubtedly, if the noble lord thought it would lead to the security and tranquillity of that country, he was warranted in asking for the vote; but what shadow of argument had he brought forward to satisfy the House, that if he fastened a permanent rent-charge on Ireland, which the landlord was to pay, there would, as the necessary consequence, be permanent peace and satisfaction there? Of all vulgar arts of government, that of solving every difficulty which might arise by thrusting the hand into the public purse was the most delusory and contemptible. It had in all times been considered the symptom of decay in government, when they had neither the manliness to enforce the law, nor the courage to stand on ancient rights. One year they proposed £60,000, another £1,000,000, and a third £59,000; and their language was, "Advance us this for the sake of peace;" but, as an hon. gentleman had said, they called "Peace, peace," when there was no peace. If they would consent to redemption, there might be a chance of peace; and he would address himself to that part of the question. The hon. gentleman (Mr. Gisborne) had said, the Tories called for redemption. Not at all; the Whigs called for it,—up to the present hour what they demanded was redemption. The course pursued by his Majesty's government was most complicated and unintelligible. First, a commission was appointed to value the land; then the tithes were to be sold for four-fifths of their amount; then a charge was to be made on the land; then remuneration was to be granted out of the consolidated fund; then the deficiency was to be made good out of the public purse. The whole object seemed to be, to complicate and delude. Instead of an open and intelligible bill of three clauses, they had a complicated and unintelligible bill of fifty clauses. But why had they changed their views with respect to redemption? He did not compare the present opinions of his Majesty's government on this subject with the opinions of the Tories; he did not com-

property to secular purposes? And is it safe, in times like these, to set an example of such interference with property? You claim for yourselves the merit of speaking out. I deny that you speak out. I say that the opinions publicly delivered by the members of the king's government are at variance with each other. With the exception of the right hon. gentleman (Mr. Ellice), who certainly did speak out, all the opinions which I have heard leave me in great doubt as to what are the ultimate intentions of the king's government. They speak not of the present—but throw out some vague intimations of the course they may take under certain contingencies. In the present state of the revenues of the Church in Ireland, I cannot conceive what object of public policy can be served by mooted the hypothetical case, that if any surplus is found to exist, it shall be devoted to secular purposes. Why not reserve the declaration of a principle till you have ascertained the fact on the existence of which its application depends? At one time you say, you do not think it necessary to announce your principle till you have gathered information. The right hon. gentleman (Mr. Rice) cheers me when I say, that you reserve the annunciation of the principle. If that be his opinion, how does he reconcile it with the speeches which some of his colleagues have delivered this evening? The noble lord says—I took down his words—“If there be a surplus, whatever the amount of the surplus may be, I would devote it exclusively to moral and religious purposes.” The noble lord then contests the right of parliament—I speak of the moral and equitable right, and not the absolute right—to devote it merely to secular purposes. [Lord Althorp: No.] What, then, is the meaning of the noble lord's saying, that he will devote it only to moral and religious purposes? How does this property of the Church, I would ask him, differ from other property, as, for instance, property possessed by corporations? If it differs altogether in its nature from other property, why has not parliament an absolute control over it. I can understand the man who tells me, that he considers all property, lay or ecclesiastical—individual or corporate—to be sacred. I can understand the man also who says, “If I can promote the doctrines of the Gospel, I consider myself at liberty to promote them, by another distribution of the revenues of its ministers than that which was originally contemplated.” Again, I can understand the hon. and learned member for Dublin, who says, the Church property was granted for Catholic uses, and therefore he claims it for such uses; but I cannot understand the noble lord, who tells me that he respects the right of property, and yet is ready to divert the property of the Church from ecclesiastical purposes. If the noble lord had contended, that the revenues of the Church were given for religious purposes, and that he will, therefore, apply them to the maintenance of the Catholic religion, he might be intelligible, but “No,” says the noble lord; “the object from which I would specially except the appropriation of the revenues of the Church is the Catholic religion.” How narrow, then, is the ground on which the noble lord takes his stand! One gentleman has claimed the right for parliament to appropriate, if it should so think fit, the revenues of the Church to New South Wales; but this, says the noble lord, would be little less than sacrilege. But if parliament has a right to appropriate the revenues of the Church at all, why has it not a right to appropriate them, if it pleases, to the benefit and improvement of New South Wales? The gentlemen who pride themselves on speaking out, as they call it, do not even understand the distinctions which they themselves draw. The noble lord in this House, and the Lord Chancellor in the other House of Parliament, have expressly excluded the Catholic religion from the benefit of this appropriation. “We have already provided,” say they, “for the Presbyterian religion, and we will on principle exclude the Roman Catholic.” To what object, then, are you to appropriate the property of the Church? I am speaking now of those who say that they speak out, and for my life I cannot understand them. The noble lord (Lord Morpeth), the member for Yorkshire, who speaks always with great ability, and certainly with very mature deliberation, said, that he much doubted whether we had a right to appropriate the surplus, supposing it to exist, to any purposes of charity not directly connected with the Protestant faith. The noble lord has, it appears, a lingering respect for the property of the Church, but he would have the Church to hold it by a singular tenure; for, says he, “If the young men at Oxford continue to make a riot in the theatre as a proof of their attachment to the Church, I cannot respect Church property any longer.” The noble lord is uncertain as to the existence of a surplus; but if there be a large sur-

plus, he is doubtful whether we have a right to apply it to the mere purposes of charity. He abjures also the notion of appropriating it to the maintenance of the Catholic religion. He will not do more than appropriate it, for I took down the noble lord's words as he spoke them; he will not, I say, do more than appropriate it to "moral, spiritual, and Christian consolation." [Lord Morpeth: I did not say consolation—I said edification]. Well, then, edification. If there be a surplus, it is to be confined, according to the noble lord, to moral, spiritual, and Christian edification; but edification in the Protestant religion—for the noble lord would exclude the Roman Catholic religion from any participation in the revenues of the establishment. Now, the advantages to be derived from this species of spoliation appeared to him to be so exceedingly small, that he, for one, would not consent to violate the great principle of prescriptive right to obtain them. He would not undermine the foundation of all property, in order, if there were an excess of Church property over the legitimate wants of the Church, to devote that excess to the moral, spiritual, and Christian edification of the people. He could not discover the distinction between the two purposes. For what was the Church intended, but for moral and Christian edification, if the term "Christian" implied, as the noble lord meant it to imply, the doctrines of the established religion? Here was a species of property resting on the prescription of 300 years, the inviolate maintenance of which was decreed at the union of the two kingdoms. The hon. member for St. Alban's, in his speech the other night, had said, that there was no condition of inviolate maintenance imposed upon parliament at the time of the Union. In support of that position, the hon. member had referred to certain speeches of Mr. Pitt, in which the right of parliament was asserted to deal with certain matters which were not very clearly defined. But he affirmed, that the expressions of Mr. Pitt had no reference whatever to the right of parliament to deal with the property of the Church, but had reference to the necessity of reserving to parliament the right of removing the civil disabilities that pressed upon the Catholics. To prove that position, he stated that the Irish parliament had sent over to this country certain resolutions as the conditions on which they would assent to the Union, and those resolutions were confirmed by the parliament of this country, and sent back to Ireland. In those resolutions it was expressly stipulated, that every right and privilege which the Church of Ireland had enjoyed before the Union should be preserved to it after the Union. Now, under the terms "rights and privileges," who could doubt that the right of the Church to its property must have been included? Here, then, was a right of property resting upon prescription, confirmed not merely by an act of parliament, but by a solemn national compact; and should he violate that right with a view to devote an unascertained and very doubtful surplus to purposes so vaguely and unintelligibly defined? If ministers had told him, that they had ascertained there was a large surplus, that a splendid robbery might be committed, that they had the means, through that robbery, of lightening the public burthens, he could conceive profligate men rejoicing in a magnificent spoliation, and dreaming that the gain was an apology for the crime. But what were the facts of the case? There were 2,450 parishes in Ireland, and 1,200 churches were now existing for the performance of the service of the Protestant religion. Was it meant to abandon or maintain those churches? Did they mean to appropriate them to purposes other than those to which they were now applied? After deducting the lay advowsons, the property of private individuals, which stood on quite a different footing from the rest, and could not be pretended to be the property of the state, if the whole Church property of Ireland were divided equally among all the parishes (a principle which he hoped never to see adopted), the result would not be such as to indicate any extravagant surplus, after making an adequate provision for the incumbents of the several parishes. He repeated, that he objected altogether to the principle of an equal division of Church property—he did so, because he wished to see the present incentives to exertion continued, and because he conceived it fitting that the clergy should be enabled to exercise an appropriate influence, not only on the lower, but also on the higher classes of society. He saw no reason why the spiritual profession should be degraded, and why there should not exist inducements calculated to attract men of talent and attainments to the Church, as well as to the bar and other professions. But suppose they were to adopt the principle of equal distribution, he doubted whether it would give an income

of £300 a-year to each incumbent. The right hon. gentleman, the member for Cambridge, seemed to rate the Irish Church revenues higher, and said, that if he found that they would give an average to each benefice of £500 a-year, while, in England, the average did not exceed £300 a-year, the difference would afford a conclusive reason for diminishing the Church revenues in Ireland. He denied that position altogether. There might be good reasons for paying clergymen more in one country than in another, on account of the greater privations which they must endure, and other more unfavourable circumstances of their situation. The hon. and learned gentleman (Mr. O'Connell) made a remark pregnant with truth. He intimated, that in these times, revolutions in opinion were not effected in centuries or years, but in months. It was on account of the rapidity of such revolutions that he had called on his Majesty's government to exert themselves to arrest the progress of destructive opinions, and sway the public mind by a positive declaration of their own sentiments. There would have been less danger in the government declaring their opinion that a surplus did exist, and they were prepared to appropriate it, but to preserve the remainder, than in leaving the question open as they now did. God forbid, that the government should ever see reason to come to such a decision as he had referred to with respect to a surplus! but even that might be less dangerous than their present mode of dealing with the subject. Nothing could be more unwise than to raise a cry of "Church in danger" on fictitious grounds, because false alarms produced distrust and negligence, and rendered appeals vain when the period of actual danger arrived; but when one minister of the Crown told them, that the Church of Ireland was one of the greatest grievances of the country, when the king's government countenanced the assertion, and when the Dissenters required a separation between Church and State, let not gentlemen be scared from the performance of their duty, by the imputation that they were raising an unfounded cry, and pretending fears for the safety of the Established Church which they did not really entertain. They asked not for the re-enactment of civil disabilities or religious penalties, but on this ground they took their stand (and by the blessing of God they would maintain it)—they would protect the connexion between Church and State, and the integrity of Church property. If it were said that was a novel doctrine, he said, No; it was a doctrine repudiated only in consequence of those rapid revolutions in opinion to which the learned gentleman had referred with so much exultation. The opinions which he held were identical with those which were held at no distant time by men who claimed for themselves the title of the warm and tried friends of toleration, and the protectors of civil and religious liberty. He spoke not of Burke, he spoke not of men who lived at times remote from the present—he spoke not of men who entertained political opinions in accordance with his own—he spoke not of doctrines accommodated to an unreformed parliament; but of the sentiments avowed by members of the present government since they came into office, with reference to the Irish Church. If the opinions that he entertained were extravagant, what could be said of those of Earl Grey? The noble earl did him the honour of quoting an opinion which he had given in that House, and by that opinion, rejecting the erroneous construction put upon it, he was prepared to abide. He was ready to promote, by every means in his power, the maintenance and extension of the Protestant religion in Ireland; and if any mode were proposed by which men, really friendly to the Church, and actuated by *bonâ fide* intentions of contributing to its stability, could, by a different distribution of Church revenues, advance the interests of the Established Church, and extend its influence, he was ready to consider with favour such a proposal. In holding the opinion, that Church property ought to be devoted exclusively to purposes connected with the Established Church, in what respect did he differ from the opinions expressed by Lord Grey so recently as February, 1832? Earl Grey presented a petition from the inhabitants and landowners of Rathcaren, in Ireland, praying for the abolition of tithes and Church-rates, and that the Church-lands might be resumed and disposed of, for objects of common interest to all the inhabitants of the realm. The noble earl said, "he presented the petition as a peer, and in that capacity only. He, however, need scarcely state to their lordships, not only that he did not approve of such a measure as the petitioners recommended, but that, if a project of that nature were proposed by any one, it should receive from him the most decided and determined opposition. He saw the urgency of effecting some

improvement in the mode of making provision for the clergy in Ireland; but he would unequivocally state, that he could never think of making any such improvement in the modes of providing for the clergy without fully securing to the Church its just rights." What also did Lord Plunkett say on the same subject?—"Obscure and humble individuals in Ireland might entertain the extravagant notion, that the government of this country was not unwilling to sacrifice the rights of her Church. That such persons, looking at their station in life, might entertain such opinions was not very surprising—in them, perhaps, it was excusable. But it was a very different matter when suspicions of this nature were cherished and were disseminated by persons of high rank and influence in society." What was the report made by the tithe committee, of which the Marquess of Lansdowne was chairman? On what conditions had he been invited to accede to measures of Church Reform? Those questions would be best answered by a reference to the reports of the Lords' committee, and to a speech delivered by Lord Lansdowne in March, 1832. The report stated: "That with a view both to secure the interests of this Church, and the lasting welfare of Ireland, a permanent change of system will be required; that such a change, to be satisfactory and safe, must involve a complete extinction of tithes, by commuting them for a charge upon land, or an exchange for an investment of land, so as effectually to secure the revenues of the Church (as far as relates to tithes), and at the same time, to remove all pecuniary collision between the parochial clergy and the occupier of land." The second report had this paragraph—"The clergy are thus, in too many instances, deprived of that just and beneficial influence which their general conduct and habits so well qualify them to exercise, even over persons of a different religious persuasion; that, for the purpose of giving greater facility to effect such investments in land for the benefit of the Church, or exchange of land for tithes, all stamps should be remitted, and government enabled to make advances to landlords." Lord Lansdowne, speaking upon the same subject, said: "Far be it from me, my lords, to recommend those modes by which, in some places, the tithe has been removed on the principle of spoliation, and without an equivalent being paid to the Church to which it belonged; and I only allude to the modifications which have taken place, for the purpose of showing that wherever the tax has been in operation it has been dealt with according to the circumstances of the country. In some places, as I have said, the Church has been spoliated of its property; but this is an example to be avoided, and not to be imitated." "It is impossible for your lordships not to see in what an independent condition the clergyman will be placed by a commutation of tithes, as compared with the mode in which he receives his income under the present system." "It gives me great pleasure (continued the noble marquess), as the organ of the committee, to move the resolutions,"—and, of those resolutions this was the last—"That it is the opinion of this House, that with a view to secure both the interests of the Church, and the lasting welfare of Ireland, a permanent change of system will be required, and that such a change, to be satisfactory and secure, must involve a complete extinction of tithes, including those belonging to lay impropriators, by commuting them for a charge upon land, or an exchange for, or investment in, land." These were the opinions of members of the government in 1832. If they had since changed their opinions, he was not the man to debar them from the right of reconsidering their previous sentiments; but it was but fair that they should manfully state the grounds of the alteration. Such, however, were the declarations made by some of his Majesty's ministers on the subject of the Irish Church and its rights of property so recently as the year 1832. These same ministers had, by their more recent declarations, placed this property on the worst possible footing. They had unsettled the minds of men on matters essential to the security of all property and all rights. In November next tithes must be collected, either by the Church or the government. What was then to be done? The difficulty they might have to contend with would have been obviated by a declaration, on the part of the Crown and its advisers, in defence of Church property. When the tithe-payer heard that the opinions of the government were not fixed, that they claimed a right to appropriate a possible surplus of Church property to secular purposes, he would be too apt to argue—"I was content to abide by the laws which recognise and protect property; but if you give them up and set the example of spoliation as regards the Church, I see no harm in following that example, and in preferring my

claim to a share in the new appropriation." "In my opinion, the property of the Church is protected by law—protected by prescription—protected by positive stipulation, as a condition of the Union; and, if increased difficulties should arise in asserting the right to that property, I shall hold the king's government, and their new commission, chargeable for the consequences."

Lord John Russell having replied, the House divided on Mr. O'Connell's motion; Ayes, 99; Noes, 360; majority, 261.

CHURCH TEMPORALITIES AND TITHES (IRELAND).

JULY 4, 1834.

On the motion of Mr. Littleton, the House went into Committee on the Irish Church Temporalities Act.

After a short discussion, SIR ROBERT PEEL stated that he did not wish to debate the question at present; but he was anxious, before the committee did so, that they should have an explicit statement of what was intended. If he understood his right hon. friend's statement, he estimated the maximum charge for commuting ecclesiastical tithes at £100,000 a-year, and the maximum charge for commuting lay tithes at £20,000 a-year; that was, a charge of £120,000 a-year on the consolidated fund for ecclesiastical and lay tithes. The right hon. gentleman calculated that the amount of the perpetuity purchase fund would be £1,200,000; that £91,000 a-year would arise from various sources of revenue under the Church Temporalities act; that there was an annual charge on this of £66,000, thus leaving to him a surplus of £25,000. The interest on the £1,200,000 at $3\frac{1}{4}$ per cent would be £44,000 a-year. This sum added to £25,000 would make up £69,000 a-year, which was to make up for the money taken from the consolidated fund. The right hon. gentleman calculated the maximum charge at £120,000 a-year; and, if he were not mistaken, the bonus on some lands was to be 40 per cent. [Mr. Littleton said, the bonus could not exceed 40 per cent., nor be less than 20 per cent.] There was, however, no security whatever with respect to lay tithes; that, in point of fact, as had been stated by an hon. member, although he could not say that he exactly understood the image, the security was chargeable on a vortex. The total loss that might be sustained, supposing, as had been anticipated by the right hon. gentleman, that the deficit would be equivalent to the difference between £120,000 and £69,000, would be £51,000. This, then, was the probable charge that the consolidated fund would have to bear. He would not then go into the argument, but he wished to have the case clearly put before he proceeded. In his opinion, however, something more than this measure was necessary if it was to be what the right hon. gentleman had described it, namely, a permanent settlement of the tithe question. The noble lord, however, had stated, that hereafter they were to consider some better arrangement, so as to relieve the consolidated fund of this charge. Was it not absurd, then, to talk of a final settlement of the question when they were talking of future arrangements?

After some remarks by Mr. Stanley and Lord Althorp—

Mr. Hume rose, and, after charging the government with inconsistency and weakness, proposed the following amendment:—"That it is the opinion of this committee, that the surplus monies to the credit of the Ecclesiastical commissioners for Ireland in the perpetuity purchase fund to be kept by the said ecclesiastical commissioners, pursuant to the provisions of an act passed in the last session of parliament, intituled, "An act to alter and amend the laws relating to the temporalities of the Church of Ireland," shall be applicable to such purposes for the adjustment and settlement of tithes in Ireland, as shall by any act, to be passed during the present session of parliament, be provided."

In the long debate which followed—

SIR ROBERT PEEL said, there were two principles involved in the question under discussion. The first was, that the public should be called upon to contribute a certain sum to make up the deficiency which would arise from the adoption of the change to the Irish land proprietors. There was, in short, to be an absolute charge

of £60,000 on the public purse, the payment of which there was not the smallest ground to hope. To that he decidedly objected. But there was another principle involved in the resolution. That principle was, that by way of providing a partial compensation to the public revenue for the amount it was to contribute, the fund which, by a solemn act of parliament, passed only so far back as the session of 1833, was established and set apart for purposes of a strictly moral and religious character, was in the session of 1834 to be shamefully violated, and made applicable to purposes of an entirely secular nature. The adoption of such a principle could not but tend to shake all confidence in the decision of his Majesty's government, and of the legislature; and if no other member raised his voice to protest against and denounce it, it should meet with his unqualified condemnation. He objected to the two principles on which the resolution was based; but on a still more decided ground he objected to the resolution itself, namely, because it tended to throw much greater obstacles in the way of the final settlement of the difficult question of tithes than the measure which was brought in by his Majesty's government in February last. The measure then introduced by the present government proceeded on the true principle—it was in conformity with all preceding measures on the subject of tithe, and was intended to do that which constituted the only security for the Established Church, and the permanent tranquillity of Ireland; at least, after the course which had been taken, after the omissions to enforce the law, and after the violation of all authority in that country—the only course, he repeated, which was left for the legislature to adopt was, to encourage the redemption of tithes. He thought that had been the object of his Majesty's government. Their rallying cry last year had been the extinction of tithes, and in February, accordingly, they introduced a measure which contemplated their extinction by means of redemption. But they now departed from that principle, and were going to make tithe a permanent charge in Ireland, under the name of a rent. Why, what distinction was there? In point of fact, they borrowed the plan of the hon. and learned gentleman, the member for the city of Dublin; and having stolen his child, like other plagiarists, as Sheridan said, they attempted so to disfigure it, as to make it impossible for the hon. and learned gentleman himself to recognise his own production. And how well they had succeeded! They had been kicking, and hacking, and cutting the unfortunate bantling which had been produced only a few weeks since, so that in point of fact the hon. and learned gentleman could not be made to own it. But the noble lord (the chancellor of the exchequer) said, "Pay this out of the consolidated fund, and do not refuse to provide future peace and tranquillity for Ireland by refusing the paltry sum of £60,000." Now, undoubtedly, if the noble lord thought it would lead to the security and tranquillity of that country, he was warranted in asking for the vote; but what shadow of argument had he brought forward to satisfy the House, that if he fastened a permanent rent-charge on Ireland, which the landlord was to pay, there would, as the necessary consequence, be permanent peace and satisfaction there? Of all vulgar arts of government, that of solving every difficulty which might arise by thrusting the hand into the public purse was the most delusory and contemptible. It had in all times been considered the symptom of decay in government, when they had neither the manliness to enforce the law, nor the courage to stand on ancient rights. One year they proposed £60,000, another £1,000,000, and a third £59,000; and their language was, "Advance us this for the sake of peace;" but, as an hon. gentleman had said, they called "Peace, peace," when there was no peace. If they would consent to redemption, there might be a chance of peace; and he would address himself to that part of the question. The hon. gentleman (Mr. Gisborne) had said, the Tories called for redemption. Not at all; the Whigs called for it,—up to the present hour what they demanded was redemption. The course pursued by his Majesty's government was most complicated and unintelligible. First, a commission was appointed to value the land; then the tithes were to be sold for four-fifths of their amount; then a charge was to be made on the land; then remuneration was to be granted out of the consolidated fund; then the deficiency was to be made good out of the public purse. The whole object seemed to be, to complicate and delude. Instead of an open and intelligible bill of three clauses, they had a complicated and unintelligible bill of fifty clauses. But why had they changed their views with respect to redemption? He did not compare the present opinions of his Majesty's government on this subject with the opinions of the Tories; he did not com-

pare them with their opinions at former and distant periods ; but he merely compared their opinions this year with their opinions last year. He asked, what were the new circumstances which had occasioned their change of determination with respect to the question of redemption ? Evidence was strong and conclusive in favour of redemption. He would not advert to the evidence of any high Churchman or of any Tory, for he knew that that would be far from satisfactory to his Majesty's government. But there was Archbishop Whately : he must be in full possession of the confidence of his Majesty's government ; he was a member of the poor-law's commission ; he was a member of the ecclesiastical commission. His Majesty's government must consider him a high authority ; and he (Sir Robert Peel) therefore confidently referred to Archbishop Whately's testimony to the superiority of redemption to a rent-charge. To his evidence was to be added that of the Lord-lieutenant, that of Mr. Blake (an individual in whom the government had great confidence), and that of the Marquess of Lansdowne. All were in favour of redemption ; all were in favour of securing tithe as soon as it was possible to do so, by providing a system of redemption. That was the true principle. But while the bill of February last facilitated that object, the present bill did directly the reverse, and postponed indefinitely all temptations to redemption. An hon. gentleman had said, that the question simply was, whether or not the whole of this money should be invested in the purchase of land. That was not the question. They might sanction the redemption of tithe without necessarily implying that the redemption-money should be invested in land. Land was no doubt preferable as an investment, because it gave additional security ; but it did not necessarily follow, that the investment in land would conclude for ever the question of the Church revenues. That question ought to be now and for ever decided in favour of their inviolability, and the noble lord expressly denied that the application of the redemption-money to land necessarily determined the question. Then why had the noble lord abandoned the principle of redemption ? The hon. gentleman (Mr. Gisborne) said, " Why do you not deliver over the redemption to ecclesiastical corporations, for the purpose of applying the money to the church ? " Would the hon. gentleman consent to that proposal ? Would he consent to the proposal, that the land-tax or rent-charge should be redeemed by the landed proprietors of Ireland, and that the money should be vested in an ecclesiastical corporation, strictly to be applied to the purposes of the Establishment ? If he were not prepared to say so, he should not say, that the redemption of the rent-charge necessarily implied that it should be vested in land. He thought the House was of one opinion on that principle. They differed materially as to the integrity of church property ; but he thought there was no dispute on the other point. He heard with pleasure the hon. and learned gentleman (Mr. O'Connell), on a former occasion, putting forward a principle of much importance, and in the truth and justice of which he most cordially agreed—that to whomsoever church-property belonged, and whatever control the legislature might have over it, at all events the landed proprietor had no right to it whatever. The government had moved resolutions to that effect—could they now evade them ? They had all agreed on that point ; they had claimed for parliament the right to make a different appropriation ; but at the same time they admitted, that the landlord should pay the full amount—that it had a right to exact from him the full value of the tithe, making a reasonable deduction for the expenses of collection ? If that were the case—if it did not belong to the landlord, on what principle could they ask the people of England to make this payment out of the consolidated fund ? On what principle was it that this forty per cent. was to be given to the landlord ? He thought the first principle was, to secure the property of the church, and then afterwards to consider to what objects it should be applied ; but if the first object were to secure the property of the Establishment, would government be prepared to enforce that principle in November next ? If they admitted the principle, why not facilitate it by adopting redemption in preference to a rent-charge ? The noble lord, and those who acted with him, had taken on the present occasion a course wholly inconsistent with that which they pursued on a former occasion. His Majesty's government were constantly demanding, that the House and the public should have confidence in them : but how was confidence to be reposed in that ministry which, within a few months, was found to support two propositions diametrically opposed to each other ? It was by acts, not words, that confidence was won. Where were the acts which entitled the present government to

expect it? In the present state of tithes in Ireland, it was possible for the government to have taken one of three courses. Firstly, it was possible for them to contend for the perfect inviolability of church property, consenting to distribute it differently, if necessary, for ecclesiastical purposes. That was the course which he, and those who were with him, would wish to see adopted. Secondly, they might have stated distinctly and fairly that, after making every possible enquiry, they thought the Establishment in Ireland was too amply provided for, and that an appropriation, different from the present, ought to take place. Such was the course suggested by the hon. member for Middlesex. The third course,—and it was the one he thought would have been selected by the government,—was, to have stated, that they were not in a situation to form a correct opinion, and that they would forbear making up their minds on the subject until the report of the commission of enquiry was before them. Such, perhaps, would have been the most fitting course they could, under all circumstances, have adopted, because, as was truly observed by the right hon. member for Cambridge a few evenings ago, it would savour somewhat of an Irish course of proceeding, if, immediately after sending out a commission of enquiry, they proceeded to legislate upon the subject to which that enquiry was to be directed, without having the result before them. What, however, was the extraordinary course taken by the government? The noble lord, on behalf of himself and colleagues, declared, that he was perfectly ready to meet the question—that he was perfectly ready to act on the principle of the 147th clause in the bill of last session. What! the noble lord, who only three nights since declared he was not certain whether there was likely to be any surplus fund whatever arising from the reduction of the Irish Church Establishment, but should it turn out there was a surplus, that it should be applied to purposes of a strictly moral and religious character—could it be, that that same noble lord was the person who declared himself ready, nothing new having occurred since his former declaration, to sanction the principle of the 147th clause, or rather of a new principle going far beyond it, admitting tithes as Church property, and yet sanctioning their application to a completely secular purpose? [Lord Althorp: No, not secular purpose.] Not secular! Did the noble lord mean to say, that to give 40 per cent. out of the surplus fund to the Irish landlords, was not applying it to a secular purpose? Was it a moral and religious purpose? On Monday evening last, the noble lord told the House he was not sure whether there would be any surplus fund whatever, and that, should it be found to exist, until the report of the commissioners of enquiry was presented, he could not make up his mind as to its appropriation; and yet, three days afterwards, uninfluenced by the taunt of one of his colleagues, that it would be an Irish mode of dealing with the question, first to issue a commission of enquiry, and then, before that enquiry could take place, to legislate upon the subject to which it was directed, the noble lord came forth and declared he had perfectly made up his mind as to the course he would adopt. What a perfect mockery was all this proceeding! Here was the act of last session—the noble lord seemed desirous to throw the responsibility of it on the late secretary for the colonies; but, unfortunately for himself, he was a consenting party to it, and, moreover, the head of the government in that House at the time it was introduced. It was the noble lord's own act; the 147th clause was struck out of it; and the assent of another branch of the legislature was thereby secured. But what said the preamble? "Whereas the number of bishops in Ireland may be conveniently diminished, and the revenues of certain of the bishoprics, as well as the said annual tax, applied to the building, rebuilding, and repairing of churches, and other suchlike ecclesiastical purposes, and to the augmentation of small livings, and to such other purposes as may conduce to the advancement of religion, and the efficacy, permanency, and stability of the United Church of England and Ireland;" and then it was provided, that monies should be advanced for building churches, and effecting the other recited objects. Well, that act of parliament passed in 1833, tithes having been suspended in the interval; and, without a shilling which they could apply for the advancement of religion, the very first act which government had recourse to was, to lay hold of the first dawning of an appearance of a fund, and appropriate it to the Irish landlords. If government had proposed a vote of parliament for the purpose of redressing the wrongs of the Irish clergy, if they had then sanctioned the redemption of tithe, and the appropriation of the redemption money to an ecclesiastical corporation for the purposes of the Church, to be applied in the purchase of lands, under such circum-

stances and in such proportions as that corporation should think fit, not forcing the money into the market, but purchasing land gradually, there might have been some hope left of maintaining the supremacy of law in Ireland, and providing for the interests of the Established Church; but while they went on in their present course, varying their own acts from day to day, saying, on the first day of a week, that their own mind was not made up as to a surplus, and of course not prepared to deal with it; that if such a fund should present itself, it should be limited to moral and religious purposes; and on the last day of the week, without the report of the commissioners, determining the existence of a surplus, and consenting to apply it to purposes so entirely secular as to make up the contributions of the Irish landlord. While they pursued such a course they might, no doubt, please those who sought the destruction of that Church, but they would never attract the confidence of any sober-minded body worthy to exercise legislative functions, far less secure peace and tranquillity in Ireland. He could not disguise from the House his opinion, that there must be reasons for the course which government were now adopting, which did not appear on the face of this bill. They were not now agreed as to the principle of appropriation. As he said before, in his conscience he believed that the late commission had been appointed for the purposes of delusion. The noble lord had in fact admitted to-night, that it was utterly unnecessary for any purpose. He had been much struck by an expression of the noble lord in the course of that evening, when, in answer to an observation of an hon. member to the effect that the commission was an abortion, ill-begotten, and of consequence short-lived, he replied, that it had gone its full time. He was quite disposed to believe it had gone its full time. It had answered the temporary purpose for which it was appointed, and without doubt neither parliament nor the country would hear any thing more about it. He hoped, however, the people of England would avail themselves of the opportunity its appointment offered to protest against the principle on which it issued. He hoped that the people of England would never consent to sever the principle of the Irish Church Establishment from that of England, and that, while consenting to every proper reform in their Church, they would contend for its inviolability; and above all that they would strenuously, at the same time constitutionally, protest against the appropriation of its funds to purposes other than those for which they were originally devised. He believed, that the cause of the vacillation which ministers had shown on this subject, was not that they preferred the present system to that which they advocated in February, 1834, but because they considered it more likely to conciliate the votes of those on whose support they relied, and who had avowed their enmity to the Irish Church. Under what circumstances, during the recess, were they about to conduct the government? He could not but smile when he heard the hon. gentleman (Mr. Gisborne) talk of the United cabinet: they had got rid of all the clogs and fetters on the operations of government; the course was now quite clear; the government was unanimous; only let the House have confidence in them; and then, as willing instruments, they would run all lengths in the career of change. There were no such things as cabinet councils, he knew, held in Ireland; but he should very much wish to see the first meeting which took place there between the three Irish officers, the Lord-lieutenant, the Lord Chancellor, and the right hon. gentleman opposite (Mr. Littleton). The first question of the Lord-lieutenant to the Chief Secretary would be, "Have you brought over the redemption clauses?" Lord Wellesley would doubtless moreover say, "I directed Anthony Blake in 1824 to submit to Lord Liverpool my views upon the expediency of redeeming tithes by the purchase of land, and surely my suggestions have not been disregarded." What, then, would the Lord Chancellor of Ireland say to the commissioners? His Majesty's government had announced to the House, that they could not proceed a single step without local information, without minute and detailed local enquiry; and then they selected Lord Brougham to be one of the commissioners for conducting that enquiry. Now he begged to know if Lord Brougham ever, in the course of his life, had been in Ireland? Then why, he begged to know, had the name of that noble lord been included in that commission? It was an Irish commission, requiring local knowledge of Ireland; and yet the name of the Lord Chancellor of England was placed upon that commission, and the name of the Lord Chancellor of Ireland omitted. He felt it the more necessary to call attention to that circumstance, when he recollected that the noble and learned lord who at the present

moment held the great seal in Ireland, had for many years been a representative of the Dublin University in that House. Such an omission could not fail to suggest to hon. members this question:—Did Lord Plunkett support or disapprove of the measure which his Majesty's advisers had thought proper to adopt in reference to the Church of Ireland? It was not to be supposed, that the name of the Lord Chancellor of Ireland would have been excluded from that commission on any other ground than his dissent from the principle which that motion was intended to carry into effect. It seemed, that there were three questions under the consideration of government, about which the United government did not agree. The first and the chief one was the renewal of the Coercion Bill. Then came the present question. ["Hear."] He was surprised that the noble lord should cheer as if he delighted in that which was a reproach to a cabinet claiming the merit of being united. This was union indeed. [An hon. member: The Catholic question.] To be sure these differences did remind them of old times; on the Catholic question there was a difference of opinion; but then it was acknowledged—it was openly avowed; and they inherited their lesson from whom?—the government of 1807. But here, on every practical measure ministers differed one with another—on the question of the reduction of tithes—on the Church commission—on the Coercion Bill, they all held different opinions, or, at all events, different shades of opinion. There were three ministers for Ireland—the lord-lieutenant, the chancellor, and the secretary. There were three measures—tithes, church commission, coercion bill; on these three measures these three men all held different opinions, and yet they had an united cabinet! But they were told that, within these few days, all things had been settled; that they formed now a firm and compact body, agreed on principles—all bound by the same opinions. He did not believe it. He was not satisfied. And when he looked to the country—when he saw the rights of property delivered over in Ireland to a commission—when he saw a number of gentlemen strolling about collecting information as to the relative number of Catholics and Protestants—when he found rent-charges proposed as a substitute for tithes—when he saw the principle of redemption, so heartily avowed last session by ministers, now cast heedlessly to the winds—there was, indeed, a prospect presented to his mind much better calculated to depress and alarm, than to encourage and support it. Without the least hesitation, he took upon himself to affirm that, at the present moment, there was as little chance or prospect of effecting a peaceable and satisfactory extinction of tithes as at any period within his recollection. For those reasons, then, he should vote against the measure. He should also vote against it as most improperly interfering with the property of the church, without fairly meeting the question of appropriation. Lastly, he should vote against it, because he thought that no measure of that or any other important kind could be successfully carried into effect in the hands of any but a united government, and least of all could it be brought into full operation by a government having recently sustained such a loss as it had sustained in the persons of two right hon. gentlemen opposite, who had sacrificed their offices to their principles. In his judgment, nothing could afford a more striking illustration than the present condition of the government did of the truth—that a double-minded cabinet, like a double-minded man, must of necessity be inefficient and unstable in all its operations.

Lord John Russell said, that throughout the speech which the House had just heard from the right hon. baronet he had looked most anxiously, but he had looked in vain, for any statement of the principles upon which he would assert the rights of property in reference to the question of tithes. How did the right hon. baronet propose to collect the tithes? And, supposing them actually collected, he had given no intimation as to the mode in which he thought they ought to be appropriated.

Sir Robert Peel had no reluctance to state that he should, in the first place, desire to see the law carried into full force; and to this extent, he concurred with the noble lords, that he would direct the force of the government in order to effect the collection of tithes; the proceeds of it, however, he should desire to see applied solely to the purposes of the Church. He would go with them in collection, but he objected to their mode of appropriation.

Lord John Russell having replied, the committee divided, and Mr. Hume's amendment was negatived; the committee again divided on the original resolution—*Aye*, 235; *Noes*, 171; majority, 64. The House then resumed.

SUPPRESSION OF DISTURBANCES (IRELAND).

JULY 7, 1834.

Lord Althorp brought up documents endorsed, "Papers relating to the state of Ireland," and after a few ministerial explanations, as to the course intended to be adopted, moved that the papers be printed.

Mr. O'Connell denounced the intended Coercion Bill as an insult to Ireland, and after charging ministers with inconsistency—in bringing in a measure to which they had been recently opposed—moved as an amendment, "That the documents just presented be referred to a Select Committee, and that they report their opinion thereupon to the House."

After some remarks by Lord Althorp, Mr. Henry Grattan, Mr. O'Connor, and Mr. Hume,—

SIR ROBERT PEELE stated that he found himself called upon very unexpectedly to give a vote upon a very important question. He had not the least expectation that the papers were to be presented to-day, and therefore the motion of the hon. and learned gentleman, which stood upon the presentation of the papers, had altogether taken him by surprise. Unprepared, however, as he was, he was unwilling to evade the difficulty; he should vote against the appointment of a committee, and state his reasons for doing so. He voted for the measure last year from a deep general conviction that some such measure was necessary, and he had no reason to believe that such a change had taken place in the state of Ireland as to warrant the removal of the measure. If he voted for referring the subject to a select committee on the 7th of July, to make the enquiry effectual they must summon persons from the distant counties of Ireland. But to commence such an enquiry on the 7th of July, would be tantamount to practically rejecting the bill. He believed, however, that the bill, or some bill of the kind, was necessary. While, therefore, he could not, on the one hand, consent to the adoption of such a bill without having an opportunity of reading the papers upon which the provisions were founded; yet he confessed that, on the other hand, he could not consent to a proposition which would be tantamount to the rejection of a legislative enactment which, upon the whole, he believed to be necessary for ensuring the peace in Ireland. It was the duty of his Majesty's government, at a much earlier period this session, to have declared their intention with respect to the re-enacting this bill. The hon. and learned gentleman said, that it was not his fault that this motion was made on the 7th of July. It might be so; but as its adoption would be to postpone the measure, he could not assent to it. He must also say, that the explanations required from his Majesty's government were those which a Select Committee could not give. The government ought not to leave the House in doubt as to what were the opinions of the executive government in Ireland, who would be responsible for the execution of the law. What he saw in the papers before him left him no reason to doubt that it had been the opinion of the Marquess Wellesley at no distant period, that the renewal of the Coercion Act in its integrity was necessary to the security of life and ensuring the supremacy of the law. On the 15th of April, 1834, he found in the copies of the despatches printed on their table the following words:—"These disturbances have been in every instance excited and inflamed by the agitation of the combined projects for the abolition of tithes, and the destruction of the Union with Great Britain. I cannot employ words of sufficient strength to express my solicitude that his Majesty's government should fix the deepest attention on the intimate connexion, marked by the strongest characters in all these transactions, between the system of agitation and its inevitable consequence, the system of combination, leading to violence and outrage; they are, inseparably, cause and effect. Nor can I (after the most attentive consideration of the dreadful scenes passing under my view), by any effort of my understanding, separate one from the other in that unbroken chain of indissoluble connexion." If he searched through the English language—and the Marquess Wellesley had once been a great master of that language—it would be impossible to find stronger words than those in which that noble lord had expressed his opinion, that predial violence was inseparably connected with political agitation. He would look at another of the documents, being the answer to the two questions put to the inspectors of police, as to whether the state of their districts demanded the renewal

of the act, and if any amendment would be required on its renewal. The answer of the inspectors was unanimous as to the necessity of the renewal; and one of them (Mr. Warburton) stated, that no amendment at all was necessary. In this, he said, all the inspectors were unanimous, and Lord Wellesley, on the 18th of April, in his despatch to the government, added these words:—

My Lord—I have the honour to enclose, for the consideration of his Majesty's government, the replies of the provincial inspectors to a question which I proposed to them, respecting the renewal of the act for the more effectual suppression of local disturbances in Ireland, which, if not renewed, will expire in the month of August, 1834.

Your Lordship will observe that their opinion is unanimously and powerfully given in favour of the renewal of that act.

It is superfluous for me to add my entire approbation of the opinions which they have expressed, and my most anxious desire that the act may be renewed.

He knew something of Lord Wellesley; he had the honour and satisfaction of serving under him in an official situation, where he stood upon close and intimate connexion with him, when Lord Wellesley was Lord-lieutenant, and he was chief secretary for Ireland; and no man could have had better means of judging whether his opinion on such a subject was likely to be lightly formed and lightly changed. Being aware that Lord Wellesley was very careful in forming, and firm in retaining, his opinion, he must say, that he never heard any thing with greater surprise than the statement which had been made as to the change of the noble lord's views, in the month of June. That he who wrote those letters of the 15th and 18th of April, could on the 18th of June have written another, recommending a totally different course upon the same question, was utterly beyond his power of comprehension. For Lord Wellesley to take such a course, when one recalled to mind the energy and firmness of his policy in India! He should deeply regret indeed, that the closing scenes of the career of such a statesman should be marked by such vacillation and indecision. For the honour of Lord Wellesley explanation was due. As that noble lord was intrusted with the responsible government of Ireland and the guardianship of her peace, they had a right to know why it was that they found him involved in these contradictions, which he (Sir Robert Peel) was unwilling to believe were his own. There were reasons, also, of a higher consideration, which demanded that such imputations upon a public functionary should be removed or explained. If, on the 18th of June, Lord Wellesley had come to the opinion that it was possible to separate political agitation from predial violence, after having declared in language so strong on the 18th of April that they were inseparably connected, parliament ought to know the grounds upon which that change of opinion had been come to. For although Lord Wellesley might be prepared to take the responsibility of governing Ireland without the Coercion Act, the House should, at least, know the grounds upon which he had come to his resolution, before they reposed confidence in a judgment which, upon the face of transactions, appeared to be so unstable. He would say to the government at home, that they took upon themselves a heavy responsibility for their part in the proceeding. What! when they found the Lord-lieutenant urging the renewal of the act in the latter end of April, not in common terms, but searching the language to find terms to express his strong desire for the adoption of that measure—what prevented the ministers from giving notice of their intention to parliament until the 2nd of July? What had passed between them and the Irish government during that interval? Had not the House a right to some explanations upon this head? With such an opinion entertained by the head of the Irish government, such a course as that which had been pursued towards him must naturally have the effect of paralyzing all government in that country, and divesting it of the energy indispensably required by the circumstances of the times. He felt these considerations powerfully urging him to call for investigation, if the necessary information should be withheld from the House; but he differed from the hon. and learned member as to the propriety of appointing a select committee; and no temporary advantage should induce him to support a proposition that in his deliberate judgment could lead to no good result. At the same time he admitted the justice of the hon. and learned gentleman's complaints of the treatment he had personally received, and not one word should the hon. and learned gentleman hear from him in abatement of the just indignation which he had expressed.

What was the situation in which the hon. and learned gentleman stood towards the government? On the first day of the session the government put words into the king's mouth which he would take the liberty to read to the House. The king was made to say:—"To the practices which have been used to produce disaffection to the State, and mutual distrust and animosity between the people of the two countries, is chiefly to be attributed the spirit of insubordination, which, though for the present in a great degree controlled by the power of the law, has been but too perceptible in many instances. To none more than to the deluded instruments of the agitation thus perniciously excited, is the continuance of such a spirit productive of the most ruinous consequences; and the united and vigorous exertions of the loyal and well-affected, in aid of the government, are imperiously required to put an end to a system of excitement and violence, which, while it continues, is destructive of the peace of society, and, if successful, must inevitably prove fatal to the power and safety of the United Kingdom." These were the words of his Majesty's ministers. They advised the king to speak to them; and who could doubt that they were pointed at the hon. and learned member? He thought it at the time derogatory to the dignity of the Crown, and calculated unduly to raise that individual into importance. Were the ministers who put that speech into the mouth of the king, who said, that "To the practices which have been used to produce disaffection to the State, and mutual distrust and animosity between the people of the two countries, is chiefly to be attributed the spirit of insubordination,"—were these ministers the same who now saw no connexion between political agitation, and the "spirit of insubordination?" If so, what must be the feelings of those loyal and well-affected persons in Ireland whose united and vigorous exertions the government had imperiously invoked on the first day of the session, when they found on the 20th of June the same hon. and learned gentleman, who had been then pointed out to them as an object of royal disapprobation, selected to receive the confidential communications of the same government! And what must be the feelings of the hon. and learned gentleman himself, when he found that the communication made to him to conciliate his support had only the effect of misleading him! When it was found that the Lord-lieutenant on the one side, and the loyal and well-affected people on the other side, all concurred with the opinion not long ago expressed by the ministers, that this measure was necessary; and when it was afterwards found that this united opinion was not to be acted upon, he would put it to any gentleman conversant with the affairs of Ireland, or of any other country, to say, whether any government could expect to secure to itself the co-operation of the loyal and well-affected, or the respect and confidence of any portion of the population in that part of the empire?

Lord Stormont thought it right that the country should be informed what it was that had occurred to induce Lord Wellesley to change his sentiments, first between the 18th of April and the 20th of June, and again, between the 20th of June and the present date, the 7th of July. He thought, in justice to all parties, all letters and papers tending to throw any light upon this curious subject should be produced.

Lord Althorp stated, that it would be perfectly impossible to carry on any government without private correspondence taking place between public functionaries, and that such correspondence could not be laid on the table at any time it might be called for.

Sir Robert Peel felt himself impressed with the necessity of making a few observations, if only out of justice to Lord Wellesley, who was mixed up in their disputes. If correspondence on public matters could always be suppressed by simply endorsing them with the word "private," here would be a very simple way of at once avoiding all enquiry. He trusted in the present case, that in justice to the Lord-lieutenant of Ireland his Majesty's ministers would see the necessity for the production of the correspondence which had been demanded. He had just sent for the printed paper relative to Kilmainham hospital, and he there found copies of letters which bore every internal evidence of having originally been of a private nature. There was one for instance, ending "In haste, ever, my dear Ellice, very truly yours." Now that was very like a friendly private letter. There was another equally free, beginning "Dear Ellice," yet all these letters had been produced without the slightest hesitation.

Mr. Ellice begged to explain, that all the letters in question had been published with consent of the parties.

Sir Robert Peel exclaimed, "That will quite satisfy me!" He had read what the noble marquess had written on the 18th of April. He had heard what the noble marquess's opinion was upon the 7th of July; but he was told that on the 20th of June the noble marquess held a different opinion. They had Lord Wellesley's opinion in favour of the renewal of the act. They asked for his opinion against it! Would they refer to the Marquess Wellesley, and ask him if he had any objection to the production of that part of his correspondence with the right hon. secretary which might bear upon this point?

Mr. Ellice had only made the statement respecting the published letters as a justification of himself.

After a short discussion, the amendment was negatived by 156 to 73; majority 83; and the original motion agreed to.

JULY 18, 1834.

In the debate arising out of Lord Althorp's motion for leave to bring in a bill to renew and amend the 3rd William IV. c. 4,—an Act for the Suppression of Local Disturbances in Ireland,—

SIR ROBERT PEELE said, that the question at present under the consideration of the House was, whether the bill which was last session passed by a large majority, and was then considered essential for the protection of life and property in Ireland, should be renewed with certain modifications, the effect of which would be to leave the law in force which was directed against the inferior instruments of agitation, and to omit that part of it which was directed against those who were supposed to be the chief causes of the disorders which prevailed in Ireland—namely, those who encouraged systematic agitation? He should rejoice as much as any man could, at any opportunity of restoring the operation of the ordinary law in Ireland. He thought, that any departure from the ordinary law, by the application of coercion, was a great evil in itself, and he could refer with confidence to his uniform course in Ireland when the Insurrection act was in force, to prove, that no man ever opposed more strenuously the practical application of that act, however called for by local authorities, than he did, from a conviction that the administration of such stimulants had a tendency to paralyze the operation of the ordinary law. The question was, whether the disturbances which prevailed in Ireland, the system of nocturnal outrage, were or were not connected with the system of political agitation? If no such connexion existed, that doubtless was a good reason for omitting the clauses in the Coercion bill which were directed against political agitation; but if, on the contrary, agitation and disturbance stood in the relation of cause and effect—if the system of nocturnal outrage were connected with political agitation—then there could be no honest justification for that House tying the knot round the neck of the inferior instruments, and permitting the abettors and advocates of political agitation to escape untouched. His own opinion, formed on experience and reasoning, was, that there existed an intimate connexion between political agitation and disturbance. The hon. and learned member for Dublin said, that those persons were wrong who supposed that political agitation was the cause of—he would not call them predial disturbances, but—the atrocious crimes which were perpetrated in Ireland. The hon. member contended, that the more political agitation prevailed, the greater was the security against local disturbances. He stood forward as the defender of political agitation on that ground. What were to be the subjects of political agitation? The hon. member referred to the effect of agitation on the repeal of the Roman Catholic disabilities, and alluded to a letter which he wrote in 1824, and which had a tendency to repress local disturbances. He would admit, that the hon. member's interference might produce a temporary effect of that description, but was a permanent system of political agitation to be introduced into Ireland as part of the ordinary government, for the purpose of enabling those who presided over the agitation to control it? He did not mean to deny the influence which the hon. member and others possessed, who wielded mighty masses of physical power in Ireland, to repress local disturbances. Look, however, to the consequences to which such a system must lead. He had himself heard the hon. member boast a hundred times, that it was owing to his power of inculcating obedience to his wishes, that the measure for the removal of Roman Catholic disabilities was brought about. Might he not, when his system should be fully established, apply his power to effect another

object, which he still avowed—namely, the repeal of the Union? Should they purchase temporary peace—should they purchase temporary forbearance—from local agitation and individual crime, at the expense of giving to the hon. member the power of ultimately being able, by working on the physical force of his countrymen, to effect the separation of the empire? This, he must say, without wishing to hurt the feelings of any individual, was the conclusion which he had drawn from his experience and knowledge of Ireland, and he found that conclusion fortified by every document which the executive government had produced upon the present occasion. The government asked the House to pass a bill founded upon documents. He referred to the documents, and he found every one of them conclusive in favour of the retention of the clauses which it was proposed to omit. All authority, from the lowest to the highest—from the constable whom ministers had consulted, to the king upon the throne—all authority, without exception, concurred in this one opinion, that the system of political agitation and local outrage were inseparable. Under these circumstances, it was a mockery and an act of injustice to strike at the one without aiming at the nobler and more powerful object. On this occasion, he would rely upon no declamation. All he asked for was, that the House would grant him its patient attention for a few minutes, and he would undertake to establish to the conviction of every impartial man, that as far as evidence could be relied upon—as far as the opinion of the individuals who were responsible for the government of Ireland could be relied on—the renewal of the Coercion act was necessary for the double purpose of suppressing political agitation and agrarian disturbances. He would not quote the opinion of the gentlemen who had been consulted by the Lord-lieutenant; it must be admitted, that their opinion was concurrent and conclusive in favour of the extension of the bill to political offences. He came first to the opinion of his right hon. friend, the secretary for Ireland. He was asked on the first day of the session, when he had just returned from Ireland, this emphatic question—“Do you think that political agitation is connected with nocturnal outrages?” His right hon. friend's answer was as follows:—“The hon. member has asked, whether political agitation has tended to increase outrage and crime in Ireland? I think the language held at many public meetings in Ireland has tended very much to encourage feelings of disobedience to the laws, and to endanger the well-being of society itself. Having been asked for my opinion, I do not hesitate to avow it.” [“Hear,” from Mr. Littleton.] He was glad to hear his right hon. friend acknowledge the correctness of the quotation which he had read. That was the second step in his argument. He now came to the opinion of the Lord-lieutenant, and in order that these things might be matter of record in a corrected form, he must trouble the House by reading the opinion of that high authority, who was mainly responsible for the tranquillity of Ireland. The Lord-lieutenant stated, that “These disturbances have been in every instance excited and inflamed by the agitation of the combined projects for the abolition of tithes, and the destruction of the Union with Great Britain. I cannot employ words of sufficient strength to express my solicitude that his Majesty's government should fix the deepest attention on the intimate connexion, marked by the strongest characters in all these transactions, between the system of agitation and its inevitable consequence, the system of combination, leading to violence and outrage; they are, inseparably, cause and effect; nor can I, after the most attentive consideration of the dreadful scenes passing under my view, by any effort of my understanding separate one from the other in that unbroken chain of indissoluble connexion.” That was the third stage. The fourth stage would be the opinions of members of the government; and here he was entitled to claim the authority of eight out of thirteen gentlemen in favour of the opinion, that it was most expedient to enact a law directed against political agitation. He called for no disclosure of individual sentiments on the part of his Majesty's responsible advisers; but the noble Chancellor of the Exchequer had voluntarily stated, that out of a cabinet consisting of thirteen persons, five thought the clauses against political agitation were unnecessary. The remaining eight, therefore, were of opinion that the law ought to be renewed in all its integrity. Thus to the authority of the Lord-lieutenant was to be added that of the responsible advisers of the Crown. He had now arrived at the top of the pyramid, with the exception of one step—the highest authority in the state—that of his Majesty. On the first day of the session, by the advice of his ministers, these words were inserted in the speech which his Majesty delivered to parliament:

—"To the practices which have been used to produce disaffection to the state, and mutual distrust and animosity between the people of the two countries, is chiefly to be attributed the spirit of insubordination, which, though for the present in a great degree controlled by the power of the law, has been but too perceptible in many instances. To none more than to the deluded instruments of the agitation thus perniciously excited is the continuance of such a spirit productive of the most ruinous consequences; and the united and vigorous exertions of the loyal and well-affected in aid of the government are imperiously required to put an end to a system of excitement and violence which, while it continues, is destructive of the peace of society, and, if successful, must inevitably prove fatal to the power and safety of the United Kingdom." The king, in that passage, not only in the capacity of the highest executive authority, claimed the support and protection of the law, but in the milder and more benign character of the dispenser of mercy, called on parliament to interfere in order to protect the deluded instruments of agitation from the consequences which must result from it. Now, he asked the House whether, as far as authority could be relied on, he had not shown, that the opinion of the subordinate officers of the secretary for Ireland, of the Lord-lieutenant, and of the king himself, as far as his opinion could be inferred from a Speech from the Throne, was in favour of the extension of the bill to objects which it now appeared would not come within its scope? The course pursued by ministers with reference to the affair was, in his opinion, calculated to shake the confidence of the people in the executive government. It was calculated to shake their confidence in all official documents which might hereafter be laid before parliament. How could the Marquess Wellesley, whose acute understanding was unable to separate the two species of agitation, administer a law which would, in point of fact, practically establish that separation? And to what circumstances were the political agitators of Ireland indebted for the indulgence which they were about to receive? Was it to the predilection of the government for liberty? Was it to their horror of coercion? No; but to the accidental circumstance of a disclosure being made, that the Lord-lieutenant was content, in consequence of representations received from this side of the water, to try and administer the law with less power than he considered to be necessary. Ministers had conciliated their differences in the cabinet; they would not press them to a division, and now on that evening the noble lord founded his objection to the renewal of the clauses on the ground, that after the disclosures which had taken place—after the knowledge which parliament possessed that the Lord-lieutenant was willing to administer the law with diminished authority, he could not ask the House to agree to the bill as it originally stood. Parliament and the country had a right to know what was the nature of the representations which induced the Lord-lieutenant to change his opinion. He did not mean to say, that the House had a right to require the production of evidence upon that point as their justification for passing the bill now proposed, but he thought that for the sake of the character of the government, and of that mutual confidence which ought to exist between its members—he spoke now on behalf of all governments—the House had an equitable and a moral right to demand explanation. He had on a former occasion stated his opinion, that the letter written by the Lord-lieutenant ought to be produced; and he thought that it would have been impossible to carry the bill in all its integrity, after having been informed that, on the 20th of June, the Marquess Wellesley was ready to administer the government of Ireland without the clauses which on the 18th of April he considered to be absolutely necessary, unless ministers were to give the House a full explanation of the causes which had led to the noble marquess's change of opinion. He had been charged in another place with having deviated from the uniform course of parliamentary practice by calling for the disclosure of confidential communications. If any thing was said upon that occasion relative to the course which he had pursued, in a tone of asperity, it was the last thing which he wished to imitate. For twenty years there had, perhaps, been no person more opposed in politics to Earl Grey than himself. His acquaintance with the noble earl was exceedingly slight; but he ventured to assert, with perfect confidence, that in the course of twenty years not a word had fallen from him implying any thing like disrespect for his character. Whatever, therefore, was the nature of the observations which were made upon him, he should infinitely prefer confining himself strictly to a vindication of the opinion he had uttered, to making use of any expressions which would be inconsistent with the uniform tenor of the course which

he had always observed with respect to the distinguished individual to whom he alluded, particularly at the close of his official career. That there must be private and confidential communications in conducting the affairs of every government, he would at once admit; but it was extremely difficult to draw the line, and to determine when communications ought to be enveloped in secrecy, and when they ought to be the subject of review and animadversion. That a line must be drawn somewhere was obvious, because it would be impossible to allow one public officer in communication with another to give advice and direction upon public questions, and then to shield himself under the allegation that they were given confidentially, and therefore he would not be responsible for them. He held precisely the same language which he was now employing, when he was in office, with respect to a letter of Lord Ellenborough. He then said, that he could not protect that letter from animadversion; that, as it was written by a public servant, and referred to public matters, the writer must be responsible for the advice which he gave in it. It was a general rule, that private and confidential communications should be excepted from remark; but, if such communications were made the groundwork of any public act, they became *publici juris*, and parliament had a right to call for explanation respecting them. If, by any accident, the fact had come to his knowledge, he would not have mentioned it; but, the moment an hon. member rose in his place, and declared that he had heard from a member of the government, who had told him that the Lord-lieutenant held a different opinion with respect to the Coercion Bill on the 20th of June from that which he entertained on the 18th of April, he thought it impossible for parliament not to demand explanation on the subject. The noble earl (Grey) was wrong in supposing that he (Sir Robert Peel) had declared, that he would not vote for the bill unless the Marquess Wellesley's letter were produced, and the noble earl was also wrong in supposing, that upon the occasion alluded to, he had allied himself with the hon. and learned member for Dublin. The fact was, that he voted against the motion of the hon. and learned member, the success of which would have had the effect of at once negativing the bill. He had also heard a surmise from another quarter, that he had entered into a connexion with those to whom he was usually opposed on the subject of the Lord-lieutenant's letter. The hon. and learned member knew that there was no concert between them on that subject, except that which arose out of his public declaration. When that declaration was made and corroborated by members of the government, he certainly thought it necessary that the House should know the circumstances under which the Lord-lieutenant's change of opinion had taken place. He thought that the majority of the House would be of opinion, that he correctly expounded the principle which ought to apply to confidential communications. He did not call upon ministers to produce the Marquess Wellesley's letter; but he thought that parliament had a right to receive from them an explanation of the circumstances under which it was written. At all events, if he were a member of the government, he should feel himself bound, in justice to the noble marquess, and in justice to the high personal honour of the distinguished individual who no longer held a place in his Majesty's councils, to enter into a full explanation of the circumstances which induced the Marquess Wellesley to take a different view of the subject on two different occasions. He knew nothing of the circumstances; but this he knew, that if the common report were true, which stated that a member of the government wrote a letter to the Marquess Wellesley without the cognizance of the prime minister, advising his lordship to address a letter to the premier of a different purport from that which he had previously written to the government, he was not surprised at Earl Grey's retirement from office. Why was the answer sent to Earl Grey? Why was it not addressed to the person who made the application? Was it possible that the public business could be conducted with that degree of mutual confidence which was necessary amongst the members of the government, when such conduct as this was pursued? He was bound in justice to his right hon. friend, the secretary for Ireland, to say, that he did not believe he had made the communication to the Marquess Wellesley. He thought, that the right hon. secretary had acquitted himself from the suspicion of having any connexion with the transaction. Next came the question, what course was he to pursue under existing circumstances? It was his opinion, that nocturnal outrage was intimately connected with political agitation. It was undoubtedly true, that amongst a people in a state of suffering like the Irish, there

world be occasionally instances of disturbances, whether there existed political agitation or not, but not to the extent which the Lord-lieutenant had described. The noble marquess said, in his despatch to Viscount Melbourne, "The cases of crime are so numerous, and marked by so many circumstances of aggravation, that I must request your lordship's most minute attention to the detailed reports of the Inspector-general, wherein a full account is given of these barbarous outrages, and of their systematic origin. Lawless combinations, secret councils, and nightly outrages, are here exhibited in full force. A complete system of legislation, with the most prompt, vigorous, and severe executive power, sworn, equipped, and armed for all the excesses of savage punishment, is established in almost every district." The noble marquess's opinion was confirmed by all the authorities connected with the government, and yet, without any information except that which justified the passing of the whole bill, they were called upon to omit the most important part of it. Whatever he might think of the whole transaction, whatever might be his opinion of the conduct of the government, however calculated he might suppose it to be to lower the dignity and authority of the executive government, he would vote for the bill as now brought forward, because he would not force upon reluctant instruments, powers which they did not want. If ministers were content to remain in office, and to undertake the government of Ireland without the clauses directed against political agitation, he would not move the insertion of those clauses in the bill. He still, however, retained his opinion as to the injustice of visiting the deluded instruments of agitation with severe laws whilst their instigators were allowed to pass unnoticed. In conclusion, the right hon. baronet thanked the House for the attention with which they had favoured him, and repeated the deep regret which he felt at the course which the ministers had thought proper to pursue on the present occasion, because its inevitable effect must be to lower the character of all executive governments, and diminish that confidence which ought ever to be reposed in those documents, which from time to time might be submitted to parliament as the groundwork of their legislative enactments.

After a long discussion, the House divided; Ayes, 140; Noes, 14; majority, 126. The bill was subsequently brought in by Lord Althorp, and read a first time.

THE BUDGET.

JULY 25, 1834.

Lord Althorp, at the conclusion of a long and elaborate financial statement, moved the following resolution:—"That towards raising the Supply granted to his Majesty, the sum of £14,384,700 be raised by Exchequer Bills for the service of the year 1834."

Mr. Baring followed, and, after analyzing the speech of the noble lord, charged him with having blundered in all his financial operations; that he had sold stock when he wanted to convert it; and that his measures and mode of working them had excited the ridicule of all those who were usually looked upon as critics in these affairs.

Mr. Goulburn and Mr. Poulett Thomson then addressed the House, the latter gentleman regretting that glass, paper, and cotton, were not among the articles, the duty on which was to be repealed.

SIR ROBERT PEEL agreed with the right hon. gentleman, that it would have been infinitely better, upon every ground of policy, to have repealed the duty on glass, rather than to have removed the tax upon houses. But if that were true, why should the House not perform its duty to the country, by acting upon a firm and well-founded conviction of what was most advantageous, rather than yield what, at most, could be considered only as a partial and slight advantage, to any popular clamour which might be raised out-of-doors? The right hon. gentleman said, that there was more pain in paying the house-tax than in paying the duty upon glass. He was not sure that those who clamoured most suffered most. At all events, they would directly contravene that which was their duty to their constituents, if they suffered any clamour raised by particular classes to overrule their better judgment, and induce them to take steps directly at variance with all the received principles of financial and commercial policy. The glass-tax was, in every point of consideration, an extremely

bad tax. A repeal of the glass-tax would afford a greater relief to a large portion of the community than the repeal of the house-tax. The removal of the house-tax was merely a *bonus* to the landlord; the removal of the glass-tax would be a *bonus* to every class of the community. If that were their conviction (and he believed it was admitted by every one capable of taking a comprehensive view of the subject of taxation), he did not see why the House should not act upon it, and refuse to yield to any clamour that might have been raised out-of-doors. It was not fitting that the decisions of this House should be governed by popular clamour. The tax upon glass was objectionable in another point of view; it had a great tendency to deteriorate the quality of the article. If they compared the glass made before the imposition of the tax with that which had been made since, it would be found that the latter was of an inferior quality. There was a double objection, therefore, to the continuance of this tax; it not only increased the price of the article, but, at the same time, rendered it of inferior quality. There was one other point to which he would refer. The right hon. gentleman had not convinced him of the policy of encouraging the export of coals. The right hon. gentleman said, that his constituents were so enlightened that he was sure they would make no objection to it. He felt that any opinion entertained by the right hon. gentleman, both on account of his ability and of his situation in the government, was entitled to great weight. He had, therefore, listened with attention to the whole of his argument upon that point; but the right hon. gentleman had not relieved his mind of the doubts which he entertained as to the policy of encouraging the export of coals. No doubt it would act as a temporary relief to certain distressed interests in the north; but transitory relief would be dearly purchased by a measure which went to deprive the country of one of its greatest natural advantages—the almost exclusive monopoly of coals. It appeared to him that the arguments in favour of the exportation of machinery, did not apply to the exportation of coals. It was said, that we had as great an interest in securing a monopoly for our domestic manufactures, as in retaining a monopoly in the production of coal, and therefore, if we permitted the export of that machinery by which we had brought our manufactures to such perfection, upon the same ground we ought to permit the export of coals. The cases were seemingly, but not really, parallel. As regarded the exportation of machinery, the legislature had no discretion to exercise, because it could not prevent the egress of the artisans by whom that machinery was made. Foreign countries became acquainted with the power and value of our machinery, and desired to purchase it from us. We refused to sell, except upon such terms as, in point of fact, amounted to a prohibition. What followed? Temptations were held out to our artisans and mechanics, to emigrate to those countries for the purpose of instructing the inhabitants in the art of constructing the machinery of which we previously had had the exclusive monopoly. The danger of this was at once perceived. It became obvious that our monopoly of machinery could not be retained, because, if we refused to sell it to foreign countries, foreign countries, through the medium of our own artisans, would make it for themselves. We had, therefore, no discretion. It was better that we should encourage our domestic manufacture of machinery by allowing a free export of it, than that we should continue the prohibition, and thereby encourage the emigration of the manufacturer. But that argument did not apply to coal. He was not at all satisfied as to the proof of the very abundant supply of coal in this country. He knew that the reproduction of coal (and the evidence of reproduction was far from convincing—in fact, he might say, that there was no positive evidence of a reproduction) was not so rapid as the consumption. Then the legislature was surely not to contemplate merely the present interests of the country—it was bound to look forward—to look forward even for a period of 400 or 500 years. In matters of legislation or of fiscal arrangement, the interests of remote periods ought always to be considered, unless some immense immediate advantage was to be gained. He was not satisfied that the supply of coals in this country—he meant of coals lying so near the surface as to be procured upon cheap and moderate terms, was so abundant as some hon. gentlemen supposed. That somewhere in the bosom of the earth there was a supply that might last for centuries he did not mean to deny; but if it had to be procured at such a cost as to render the price of coal in this country equal to what it was in foreign countries, there must be an end at once to the great advantage for manufacturing which we now enjoyed. What was the right hon. gentleman's argument?

He said, that we could not maintain our monopoly of coal, because coal fields had been discovered in several parts of the continent. Now that, in his opinion, instead of being an argument in favour of becoming exporters of coal, was directly an argument against it. If there were coal upon the continent, the countries of the continent would encourage the use of it in preference to coal coming from this country. Therefore, the amount of our export was not likely to be great, though, if the countries of the continent have coal of their own, it would induce them to establish manufactures to rival ours. If, therefore, we had any advantage in the production of this important article, it was proper to maintain it to the fullest extent. There was one subject connected with the financial operations of the country, to which he wished to have the opportunity, before the termination of the session, to call the attention of the House—he alluded to the present system of banking throughout the country. He was sorry that the attention of parliament had not yet been called to that subject. A committee had been appointed to enquire into the system of banking in the metropolis, but that committee did not enter into any enquiry as to the system of country banking. It instituted no enquiry into the effects of the 7th Geo. IV., chap. 46, which enabled joint-stock banks to be established, making all the members of those banks individually responsible for the debts of the company. He did not wish to give any opinion upon the subject; but it was one deserving the attention of parliament. Indeed he could not conceive one which more imperatively called for their attention, than the whole relation of private banking, considered in connexion with the joint-stock system, and the new law by which the paper of the Bank of England would become a legal tender, and which he feared might be improvidently acted upon, unless some check were given to it. He could not help thinking that the Act of the 7th Geo. IV.—to the introduction of which he was a party—was acted upon very differently from the intentions of those who brought it in. Branch banks had been established in almost every town, by persons roving about and selecting some unoccupied spot, no matter whether they had any local connexion with the town or the surrounding neighbourhood. No sooner did they find a vacant place, than they at once established a joint-stock bank. He found that some of these companies were carrying on district banks with a capital of £500,000, consisting of 100,000 shares of £5 each; so that all the security which the public had, was the personal responsibility of these owners of £5 shares for the whole amount of the debts of the bank. It appeared to him that this might prove to be a very inadequate security. In his opinion no company should be allowed to issue paper, or, as it were, coin money, without control as to their liability. These persons traded under very different circumstances from all others. They might trade as much as they pleased if they were not connected with money; but the moment they became so connected, the interests of the whole country were liable to be affected by their proceedings; so that the parliament acquired the right to provide some effectual check against the imprudence of such banks, and was bound to devise a security for those who placed confidence in the solvency of the bank, if the legislature should see reason to do so. Several of these banking establishments set out with conditions in the formation of them, which appeared seriously deserving consideration. Among these conditions in one of these banks every shareholder was entitled to cash credit to the extent of two-thirds of the amount of stock paid up. It was also a very common provision, that should one fourth of the paid-up capital be at any time lost, the company was thereby dissolved. That was done for the purpose of preserving a limited responsibility; but was it the law of the land, that when one-fourth of the paid-up capital should be lost, the company should be dissolved, and all liability be at an end? [An Hon. Member: "No."] But it was the practice; and the means by which persons were induced to take these £5 shares. Was not that a strong reason for calling the attention of parliament to this subject? Ought not these liabilities to be expressly defined? If this were the law, then the security offered by the bank was a fallacious one; if it were not the law, then these persons had no right to invite individuals to take shares in the bank, by holding out to them the terms of an engagement which could not be realized. The government placed confidence in that enactment which made each individual responsible for the debts of the company, which practically was not so good a security, and therefore not entitled to such confidence as is generally imagined. Suppose a joint-stock company to be formed, in which the public confide, believing that every member of it is directly liable for the debts of

the company. The public, finding eight or ten rich individuals to be shareholders, would conceive that they had an immediate lien upon the property of those eight or ten individuals in case of the insolvency of the bank; but he apprehended that no such lien would attach until after judgment had been obtained in a court of law. He apprehended that a bank founded under 7th Geo. IV., was required to certify at the stamp-office the name of the officer of the company, by whom and against whom all actions were to be brought. He should not, he apprehended, be entitled to any execution against an individual member of the company until he had brought his action against this officer, and had obtained judgment against him. That would postpone very considerably the claim which he might have upon the rich individual members of the company. An action was tried in this country against Sir Abraham Bradley King, who was sued as an individual member of a joint-stock company. The Court of King's Bench would not allow process to be issued against him—on account, he presumed, of some informality; but, whatever the cause, it had the effect of completely defeating the claim of the parties. But the case under the 7th of Geo. IV. was much stronger; for, in the first place, it was quite clear that no individual member of the company was responsible until after judgment had been obtained against the officers of the company, and then the claim must, in the first instance, be made upon those who were members of the company at the time when the process issued; and, in failure of the claim being liquidated by those parties, then an action would lie against those who were members of the company at the time the debt was contracted; but if these latter parties had contrived to get out of the company, the claim could not be made against them until after a trial by law had been had against all those who remained. His experience convinced him, that any security which did not take effect until after two successful lawsuits, was not worth much. The expense of a lawsuit is so enormous in this country, that unless the debt be very considerable, the security which the public would obtain after two successful lawsuits, must practically be none at all. He was afraid that, at this period of the session, it was too late to do any thing effectually upon this subject; but he trusted the noble lord would devise some means to check the rage for speculative joint-stock companies, and seriously consider what would be the probable effect of the act which was about to come into operation, by which bank paper would become a legal tender. He hoped the noble lord would understand the meaning of his observation, that notwithstanding the large remission of taxation, such was the buoyancy of the resources of the country, that the result had been of considerable benefit to the public, without any injury to the revenue of the country. All this the noble lord should remember had taken place under a metallic currency, which, nevertheless, had been declared to be utterly inconsistent with the expansion of our resources. But if that had been the effect, as he believed, it was only an additional reason for adhering to a metallic standard—and it ought to encourage the legislature to watch, not with childish suspicion, but with rational jealousy and discrimination, any attempts to involve the country afresh in an indefinite extension of an irredeemable paper currency. The resolutions were ultimately agreed to.

[The Suppression of Disturbances (Ireland) Bill was read a second time on the 21st, and finally passed on the 26th of July; several other measures advanced a stage; and Parliament stood prorogued to Thursday, the 25th day of September, 1834.]

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